

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CONDENSED

-----X
DIANE PERITZ
Plaintiff,
-against-

NASSAU COUNTY BOARD OF CORPORATIVE 16-CV-05478
EDUCATIONAL SERVICES, BONNIE HELLER, (SJF) (AYS)
and JANET WEISEL
Defendants.

-----X

Nassau Supreme Court
100 Supreme Court Drive
Mineola, New York 11501

July 7, 2017
10:01 a.m.

EXAMINATION BEFORE TRIAL of DIANE PERITZ,
a Plaintiff herein, taken by the Defendants,
pursuant to Article 31 of the Civil Practice Law &
Rules of Testimony, and Court Order, held at the
above-mentioned time and place, before
JOANNA MARTINEZ a Notary Public of the State of
New York.

SANDY SAUNDERS REPORTING
254 South Main Street, Suite 216
New City, New York 10956
(845) 634-7561

<p style="text-align: right;">Page 2</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">A P P E A R A N C E S:</p> <p>SILVERMAN & ASSOCIATES Attorney for Defendants 445 Hamilton Avenue, Suite 1102 White Plains, New York 10601 (914) 574-4510 FILE #: 5001.421 BY: CAROLYN B. LINEEN, ESQ.</p> <p>LAW OFFICE OF MINDY KALLUS Attorney for Plaintiff 3220 Netherland Avenue, Suite 5D Bronx, New York 10463 BY: MINDY KALLUS, ESQ.</p>	<p style="text-align: right;">Page 3</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>221. UNIFORM RULES FOR THE CONDUCT OF DEPOSITIONS</p> <p>221.1 Objections at Depositions</p> <p>(a) Objections in general. No objections shall be made at a deposition except those which, pursuant to subdivision (b), (c) or (d) of Rule 3115 of the Civil Practice Law and Rules, would be waived if not interposed, and except in compliance with subdivision (e) of such rule. All objections made at a deposition shall be noted by the officer before whom the deposition is taken, and the answer shall be given and the deposition shall proceed subject to the objection and to the right of a person to apply for appropriate relief pursuant to Article 31 of the CPLR.</p> <p>(b) Speaking objections restricted. Every objection raised during a deposition shall be stated succinctly and framed so as not to suggest an answer to the deponent and, at the request of the questioning attorney, shall include a clear statement as to any defect in form or other basis of error or irregularity. Except to the extent permitted by CPLR Rule 3115 or by this rule, during the course of the examination persons in attendance</p>
<p style="text-align: right;">Page 4</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>shall not make statements or comments that interfere with the questioning.</p> <p>221.2 Refusal to answer when objection is made. A deponent shall answer all questions at a deposition, except (i) to preserve a privilege or right of confidentiality, (ii) to enforce a limitation set forth in an order of the court, or (iii) when the question is plainly improper and would, if answered, cause significant prejudice to any person. An attorney shall not direct a deponent not to answer except as provided in CPLR Rule 3115 or this subdivision. Any refusal to answer or direction not to answer shall be accompanied by a succinct and clear statement of the basis therefor. If the deponent does not answer a question, the examining party shall have the right to complete the remainder of the deposition.</p> <p>221. UNIFORM RULES FOR THE CONDUCT OF DEPOSITIONS</p> <p>221.3 Communication with the deponent</p> <p>An attorney shall not interrupt the deposition for the purpose of communicating with the deponent unless all parties consent or the communication is made for the purpose of determining whether the</p>	<p style="text-align: right;">Page 5</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>question should not be answered on the grounds set forth in section 221.2 of these rules and, in such event, the reason for the communication shall be stated for the record succinctly and clearly.</p> <p>IT IS FURTHER STIPULATED AND AGREED that the transcript may be signed before a Notary Public with the same force and effect as if signed before a clerk or a Judge of the court.</p> <p>IT IS FURTHER STIPULATED AND AGREED that the examination before trial may be utilized for all purposes as provided by the CPLR.</p> <p>IT IS FURTHER STIPULATED AND AGREED that all rights provided to all parties by the CPLR cannot be deemed waived and the appropriate sections of the CPLR shall be controlling with respect hereto.</p> <p>IT IS FURTHER STIPULATED AND AGREED by and between the attorneys for the respective parties hereto that a copy of this examination shall be furnished, without charge, to the attorneys representing the witness testifying herein.</p>

<p style="text-align: right;">Page 6</p> <p>1</p> <p>2 D I A N E P E R I T Z, after having first been</p> <p>3 duly sworn by a Notary Public of the State of New</p> <p>4 York, was examined and testified as follows:</p> <p>5 EXAMINATION</p> <p>6 BY MS. LINEEN:</p> <p>7 Q State your name for the record, please.</p> <p>8 A Diane Peritz.</p> <p>9 Q State your address for the record, please.</p> <p>10 A 112 Holiday Drive, Woodbury, New York</p> <p>11 11797.</p> <p>12 Q Good morning, Ms. Peritz. My name is</p> <p>13 Carolyn Lineen. I'm an attorney with the law firm</p> <p>14 of Silverman and Associates, and I represent</p> <p>15 Nassau BOCES, Janet Weisel, and John Miller in a</p> <p>16 lawsuit that you filed against them. I'm going to</p> <p>17 be asking you some questions about your lawsuit and</p> <p>18 the facts underlining the allegations that you've</p> <p>19 made.</p> <p>20 If you don't understand any of my</p> <p>21 questions, please let me know and I'll try to</p> <p>22 rephrase the question for you. If you go ahead and</p> <p>23 answer the question and don't indicate to me that</p> <p>24 you don't understand it when you answer, I'm going</p> <p>25 to assume that you understood the question as it was</p>	<p style="text-align: right;">Page 7</p> <p>1 D. PERITZ</p> <p>2 posed. Okay?</p> <p>3 A Sure.</p> <p>4 Q Make sure to give verbal answers. I know</p> <p>5 sometimes in common conversation it's easy to</p> <p>6 gesture or nod and do "uh-huh" and that sort of</p> <p>7 thing, but we need the court reporter to be able to</p> <p>8 take down everything both you and I say here today</p> <p>9 and get an accurate record.</p> <p>10 So please try to remind yourself to</p> <p>11 give verbal answers. If I notice you giving a</p> <p>12 nonverbal answer I'll remind you to go ahead.</p> <p>13 Everyone tends to do it so don't worry.</p> <p>14 A Okay.</p> <p>15 Q Also, you need to let me get my entire</p> <p>16 question out before you start answering. It is very</p> <p>17 difficult for the court reporter to take down</p> <p>18 testimony if two people are talking at the same</p> <p>19 time.</p> <p>20 Also, allowing me to get my entire</p> <p>21 question out and giving a little time before for you</p> <p>22 answer allows your attorney to place any objections</p> <p>23 on the record if she feels the need to do so.</p> <p>24 A Okay.</p> <p>25 Q Plus, you may think you know exactly what</p>
<p style="text-align: right;">Page 8</p> <p>1 D. PERITZ</p> <p>2 I'm asking, but I could surprise you and ask</p> <p>3 something different if you don't let me get my</p> <p>4 entire question out before you answer. I want to</p> <p>5 make sure that you're actually answering the</p> <p>6 questions I pose to you --</p> <p>7 A Sure.</p> <p>8 Q -- so that we get an accurate record. And</p> <p>9 also if you answer the questions as posed, it will</p> <p>10 probably keep this shorter for you because it'll</p> <p>11 make less work that we'll have to do to go back and</p> <p>12 actually get the answer to the question I was trying</p> <p>13 to get.</p> <p>14 A Okay.</p> <p>15 Q If you need to take a break at any time,</p> <p>16 that's that fine; I'm more than happy to accommodate</p> <p>17 that, whether that's to get a drink, use the phone,</p> <p>18 go to the restroom. That's fine.</p> <p>19 The only thing that I ask us that you</p> <p>20 make sure you answer any pending questions that are</p> <p>21 on the record before we take that break so we don't</p> <p>22 leave anything unanswered.</p> <p>23 A Sure.</p> <p>24 Q Okay. Do you have any disabilities or</p> <p>25 impairments that would prevent you from</p>	<p style="text-align: right;">Page 9</p> <p>1 D. PERITZ</p> <p>2 understanding my questions?</p> <p>3 A No.</p> <p>4 Q Or any disabilities or impairments that</p> <p>5 would prevent you from recalling facts or testifying</p> <p>6 accurately?</p> <p>7 A No.</p> <p>8 Q Okay. And have you taken any medications</p> <p>9 today that would affect your ability to understand</p> <p>10 my questions?</p> <p>11 A No. I did take Tylenol; that's it.</p> <p>12 Q Okay. What time did you take the Tylenol?</p> <p>13 A I left at like nine o'clock, so maybe a</p> <p>14 quarter to 9:00.</p> <p>15 Q Okay. And does that affect your ability</p> <p>16 to understand --</p> <p>17 A No, of course not.</p> <p>18 Q -- all of my questions? Does it affect</p> <p>19 your ability to recall facts or --</p> <p>20 A No, no, no. I was just having -- you</p> <p>21 know, it's raining -- pain.</p> <p>22 Q Okay.</p> <p>23 A Not even head pain.</p> <p>24 Q I understand. I fractured my femur a few</p> <p>25 years ago when it rains I get very achy in that leg.</p>

Page 10

1 D. PERITZ

2 Have you used any alcohol or

3 recreational drugs in the last 24 hours?

4 A No.

5 Q And are any medications that you are

6 supposed to take on a daily basis that you haven't

7 taken today?

8 A No.

9 Q Okay. And you understand -- do you

10 understand that you have an obligation to tell the

11 truth here today?

12 A Yes, of course.

13 Q Is there any reason that you would be

14 unable to recall facts and testify accurately?

15 A No. If I can't recall I've been told to

16 tell you that I don't remember.

17 Q All right. Right. But as you sit here,

18 there's nothing that you're aware of that would

19 impede you from recalling facts?

20 A No, no, no, no.

21 Q And yes, that's correct; if you don't know

22 the answer to my question or you can't recall, you

23 can tell me that. I don't want you to guess. I'm

24 sure your attorney doesn't want you to guess, so --

25 A Right.

Page 12

1 D. PERITZ

2 Q Okay.

3 A It's a guess, though.

4 Q Last night did you speak in person or over

5 the phone?

6 A Phone.

7 Q Do you know how long that conversation

8 was?

9 A It was a couple, and it was maybe

10 ten-minute intervals.

11 Q Okay. And in preparation to testify here

12 today, did you review any documents?

13 A Yes, I did.

14 Q What did you review?

15 A I reviewed the complaint document. I

16 reviewed the letter -- or the end of the year

17 evaluation as well as the evaluation that was done

18 upon my termination.

19 I reviewed my -- I reviewed the

20 letter that they wrote after the disciplinary

21 meeting and my letter back to them. And finally,

22 some emails from Selma Selften (phonetic) regarding

23 my accommodation and my disability.

24 Q Any other documents that you recall

25 looking at in preparation to testify here today?

Page 11

1 D. PERITZ

2 Q Are you married?

3 A No.

4 Q Have you ever been married?

5 A No.

6 Q Do you have any children?

7 A No.

8 Q Okay. Now, without telling you what you

9 said, did you talk to anyone in preparation to

10 testify here today?

11 A Just Mindy.

12 Q Meaning your attorney?

13 A Yes.

14 Q When did you talk to her?

15 THE WITNESS: Was it Saturday or Sunday?

16 MS. KALLUS: I can't answer.

17 Q She can't answer for you.

18 A Over the weekend.

19 Q Okay.

20 A And then last night.

21 Q Okay. Over the weekend. Did you meet in

22 person?

23 A Yes, we did.

24 Q Do you know for how long for?

25 A Maybe two hours.

Page 13

1 D. PERITZ

2 A No.

3 Q Do you remember being questioned by an

4 attorney from my office under oath in April 2016?

5 A Yes.

6 Q Did you ever review that testimony?

7 A I didn't; it's long.

8 Q So you never looked at that testimony?

9 A I looked at that the -- I think I had to

10 send back something with corrections, so I did look

11 at it then.

12 Q Okay. And you haven't looked at it since

13 then?

14 A No.

15 Q And you didn't look it --

16 A Should I have?

17 MS. KALLUS: Don't ask any questions.

18 MS. LINEEN: No, I'm just trying to figure

19 out -- you know, there's no right answer or

20 anything. I'm just trying to ask you some

21 questions to figure out a few facts.

22 Did you -- you didn't look at testimony in

23 preparation to testify here?

24 A No.

25 Q And when you looked at it -- when you

Page 14

1 D. PERITZ

2 reviewed it and made some corrections and sent that

3 back, was everything, to your knowledge, true and

4 accurate in the testimony?

5 A I think I made some corrections, but yeah,

6 my testimony was accurate, absolutely.

7 Q All right. And other than any of the

8 corrections that you would have made and returned,

9 is there anything, as we sit here today, that you

10 feel like needs to be changed or corrected from that

11 testimony?

12 A No.

13 (Whereupon, documents, Plaintiff's Exhibit

14 A-D were marked for Identification.)

15 Q While you're doing that I'm just going to

16 place an exhibit that was just marked Defendant's

17 Exhibit A, B, C, and D in front of you for the

18 record.

19 A is Bates No. Defendant 53, B is

20 Bates No. Defendant's 56, 58, and 59. Bates 57 was

21 removed because it -- I don't believe it was part of

22 the actual document. I think it was just a page

23 that was produced in the middle of the document

24 (handing).

25 Defendant's C is Bates No. DEF 54 and

Page 15

1 D. PERITZ

2 And how long have you lived at your

3 current address?

4 A My goodness -- I don't know. Fifteen

5 years, wow.

6 Q Okay. Does anyone currently live there

7 with you?

8 A No.

9 Q In 2014 and 2015, did anyone live at that

10 address with you?

11 A No.

12 Q Okay. And since you testified at your

13 50-h examination on April 2016, had there been any

14 changes to your educational background or degrees or

15 certifications or credits or anything like that?

16 A No, not -- not degrees, but we take

17 courses every year, so I've taken courses, but

18 that's it.

19 Q Okay. So you have haven't obtained any

20 additional degrees since your examination?

21 A No.

22 Q And have you obtained any additional

23 educational credits beyond your masters --

24 A No.

25 Q -- since then? And the courses that you

1 D. PERITZ

2 55 and Defendant's D is DEF72, 73 and 74.

3 (handing).

4 A Oh, is that for me?

5 Q Yeah, just take a second to look at it

6 when you have a chance. I'm not going to ask you a

7 really detailed question about them at this point.

8 We are probably going to get into them later, but I

9 just want you to take a look at each of them really

10 quickly.

11 A Sure.

12 Q And then let me know when you're ready and

13 I'll ask you a question.

14 A That's the documents I reviewed.

15 Q Okay. That was going to be my question.

16 Defendant's Exhibit A, B, C and D, are those all

17 documents that you reviewed in preparation to

18 testify here today?

19 A Yes.

20 Q Okay. And from your testimony I

21 understand that other documents that you looked at

22 were some emails between you and Thomas Shelton?

23 A Yes.

24 Q Okay. I'll take these. We'll look at

25 them again later.

Page 16

1 D. PERITZ

2 take -- are those essentially continuing education?

3 A Yes.

4 Q Now, are you a licensed occupational

5 therapist?

6 A Yes.

7 Q Are you licensed by the state of New York,

8 or is it --

9 A Yes, and registered.

10 Q Okay. And are you certificated to work as

11 an occupational therapist in an educational setting?

12 A There's no special certification to allow

13 you to work in a educational setting.

14 Q Okay. So you don't have any certification

15 or license separate through the New York State

16 educational department as it pertains to working to

17 in a school setting?

18 A Nothing exists like that.

19 Q Okay. And have you obtained any

20 additional certifications or professional licenses

21 since your examination in April of 2016?

22 A No, not since that time.

23 Q Okay. Has your license as an occupational

24 therapist ever been suspended or censured?

25 A No.

<p style="text-align: right;">Page 18</p> <p>1 D. PERITZ</p> <p>2 Q Revoked?</p> <p>3 A No.</p> <p>4 Q And is it a permanent license, or do you</p> <p>5 have to renew it every --</p> <p>6 A You have to renew it. I think it's -- I'm</p> <p>7 not sure -- every three or five years something like</p> <p>8 that, and then you need to take your continuing</p> <p>9 education credits as part of the renewal process.</p> <p>10 Q Okay. Do you know when you last renewed</p> <p>11 it?</p> <p>12 A I don't -- I don't know exactly, but since</p> <p>13 that time, yes. Like since --</p> <p>14 Q Since the examination you had in April of</p> <p>15 2016?</p> <p>16 A That was just -- no, maybe not.</p> <p>17 Q Oh.</p> <p>18 A But --</p> <p>19 Q If you don't know, that's fine. You can</p> <p>20 tell me that.</p> <p>21 Now, I understand you worked at</p> <p>22 Nassau BOCES at point; is that correct?</p> <p>23 A Yes.</p> <p>24 Q Prior to the Nassau BOCES, did you have</p> <p>25 any employment in the public education setting?</p>	<p style="text-align: right;">Page 19</p> <p>1 D. PERITZ</p> <p>2 A Yes.</p> <p>3 Q Okay. Where?</p> <p>4 A I worked for the New York City Department</p> <p>5 of Education.</p> <p>6 Q Okay. Well, did you have the one position</p> <p>7 there or more than one position?</p> <p>8 Did it ever change, or did you have</p> <p>9 that same position the entire time?</p> <p>10 A My position -- way, way, way back when I</p> <p>11 was getting my masters I was once a</p> <p>12 paraprofessional. Is that what you're asking?</p> <p>13 Q Well, let me ask this: When did you work</p> <p>14 for the New York City Department of Education?</p> <p>15 A As on OT or --</p> <p>16 Q Sure, we'll take that.</p> <p>17 A As an OT and I think I -- again, I'm</p> <p>18 guessing, but it's something like 1998 for five</p> <p>19 years hence. Is that working? Yeah, I think so.</p> <p>20 And then I left and I did my own</p> <p>21 practice. Am I giving information you don't want?</p> <p>22 Q No, this is fine.</p> <p>23 A Some of that was performed in schools as</p> <p>24 well as in home care, early intervention, and</p> <p>25 preschool, and then in 2012, I returned to the</p>
<p style="text-align: right;">Page 20</p> <p>1 D. PERITZ</p> <p>2 New York City Board of Education and worked there</p> <p>3 until I started at BOCES, but during the whole time</p> <p>4 I also had my own practice.</p> <p>5 Q Okay. So -- and is it correct that you</p> <p>6 once worked as a paraprofessional for the New York</p> <p>7 City Department of Education?</p> <p>8 A Yeah, I think it was like 19 -- let's see</p> <p>9 -- '80.</p> <p>10 Q Okay.</p> <p>11 A But for six -- you know, for like a short</p> <p>12 of period of time while I was doing my degree.</p> <p>13 Q Do you have an approximation of what you</p> <p>14 mean by a short period of time?</p> <p>15 A Like six months.</p> <p>16 Q And that was while you were getting your</p> <p>17 masters degree?</p> <p>18 A My first masters; I have two.</p> <p>19 Q What are your masters degrees in, just to</p> <p>20 refresh me?</p> <p>21 A The first one is in communication arts and</p> <p>22 sciences and the second one is occupational therapy.</p> <p>23 Q When did you obtain your masters in</p> <p>24 occupational therapy?</p> <p>25 A I believe it was 1998.</p>	<p style="text-align: right;">Page 21</p> <p>1 D. PERITZ</p> <p>2 Q Okay. Where is it that from?</p> <p>3 A NYU.</p> <p>4 Q Okay. So when you worked for the New York</p> <p>5 Department of Education from 1998 and approximately</p> <p>6 five years after that, were you a occupational</p> <p>7 therapist the entire time?</p> <p>8 A Yes.</p> <p>9 Q And was that a civil service position?</p> <p>10 A I'm not sure.</p> <p>11 Q Okay. Were you -- when you started at</p> <p>12 that position, was it a probationary position?</p> <p>13 A It's initially probationary and then it</p> <p>14 becomes permanent, and then I moved up and became a</p> <p>15 senior occupational therapist.</p> <p>16 Q When did you become a senior occupational</p> <p>17 therapist?</p> <p>18 A Approximately two years after I started.</p> <p>19 Q Okay. When you worked for the New York</p> <p>20 City Department of Education from 1998, in that</p> <p>21 five-year period -- after that did you have one</p> <p>22 supervisor or more than one?</p> <p>23 A I had more than one.</p> <p>24 Q Okay.</p> <p>25 A I had one for the two years 'till I became</p>

Page 22

1 D. PERITZ

2 senior, and then it changed, but not because my

3 position changed. Just because the department

4 changed how they did things.

5 Q Okay. Do you remember any of their names?

6 A Jackie Turbert (phonetic) was the first

7 one -- which is kind of amazing -- but I don't

8 remember after that.

9 Q Okay.

10 A 'Cause she's the one that I had the most

11 dealing with.

12 Q Is it correct that you obtained permanent

13 status in the position?

14 A Yeah -- well, okay. So with the New York

15 City Board of Ed, back then there was nothing --

16 because as a therapist there was nothing considered

17 permanent status. We were all -- because we weren't

18 teachers -- it's now changed and there is

19 permanence, but there wasn't at that time. But you

20 were permanent; it just wasn't an official status.

21 Q Okay. But when you took the position in

22 1998, were you given a probationary period?

23 A You're given that for six months but then

24 you move out of that position. So obviously they

25 have a time period that if they're not pleased with

Page 24

1 D. PERITZ

2 Q And had done that at the same time that

3 you were employed as well --

4 A In 1998 I didn't do it at the same time

5 because I was just starting, but after -- but

6 sometime during that period of time I started doing

7 it at the same time.

8 Q Okay. And what was the name of that

9 practice?

10 A I have a PLLC, so it's Dinae Peritz OT,

11 PLLC.

12 Q Okay. And when you returned to -- well,

13 actually let me ask you this: Why did you leave the

14 New York City Department of Education after you had

15 worked there for five years?

16 A So initially -- for the first two years I

17 was paying back -- I had the scholarship and that

18 they paid for my masters program so I was paying

19 that back to them.

20 After that period I just stayed

21 because I liked my job, but then the commute was

22 hard, and honestly, as a therapist in a private

23 practice you make more money despite the fact that

24 you don't get -- that you have to pay for your

25 benefits but you make for money than you do working

Page 23

1 D. PERITZ

2 your work they don't keep you, but then -- it's just

3 because of the way in which the system worked back

4 then there was nothing considered permanent.

5 Q Okay.

6 A So there were certain benefits we didn't

7 get as part of that, but now it's changed and you

8 are.

9 Q Okay.

10 A And then I -- it became civil service. So

11 ultimately -- so maybe it wasn't way back when I

12 started. Ultimately in the -- since 2012, maybe

13 2015, or something, you have to take a civil service

14 exam and then started becoming permanent.

15 Q So when you were there in 1998 to five

16 years after approximately, were you subject to any

17 formal discipline like a suspension or --

18 A No.

19 Q -- demotion? Fine? Termination?

20 A Nothing --

21 Q Okay.

22 A -- like that.

23 Q And I know you said left and you were

24 working in your own private practice --

25 A Yes.

Page 25

1 D. PERITZ

2 for a facility, so I decided to leave and do that.

3 Q Okay. And then in 2012 you returned to

4 the New York City Board of Education; is that

5 correct?

6 A Yes.

7 Q And what was your position then?

8 A Senior occupational therapist.

9 Q Did you have a supervisor in that role?

10 A Well, I mean, you always do, but you don't

11 have day-to-day contact with that person.

12 Q Okay. Do you remember that person's name?

13 A I don't. I started -- I interviewed

14 initially with someone and he retired shortly

15 thereafter and then there was someone else.

16 Q Okay. And when you were there in 2012

17 until when you started working for Nassau BOCES, did

18 -- were you subject to any formal discipline by the

19 New York City Department of Education?

20 A Not formal discipline, no.

21 Q Well --

22 A I'll let you have your question.

23 Q Okay. Well, it seemed like you wanted to

24 continue that answer. Were you subject to any form

25 of discipline?

<p style="text-align: right;">Page 26</p> <p>1 D. PERITZ</p> <p>2 A I was -- there was a suspension during</p> <p>3 which -- following which I was found to be innocent</p> <p>4 and everything resumed as it was.</p> <p>5 Q Okay. So did that proceed to a hearing?</p> <p>6 A No.</p> <p>7 Q Okay. How long were you suspended for?</p> <p>8 A It was like four months or something.</p> <p>9 Q Was it with or without pay?</p> <p>10 A It was initially without pay but I got all</p> <p>11 my pay retroactive.</p> <p>12 Q Okay. Were there any incidents where you</p> <p>13 were -- excuse me, withdrawn.</p> <p>14 Were there any times that you were</p> <p>15 disciplined when you were working with the Board of</p> <p>16 Education or Department of Education?</p> <p>17 A No.</p> <p>18 Q And then why did you leave the position at</p> <p>19 the New York City Department of Education after you</p> <p>20 returned to 2012?</p> <p>21 A Well, because I was offered this position</p> <p>22 by BOCES. Initially, I reduced my position in New</p> <p>23 York City to three days -- no, wait, sorry -- to two</p> <p>24 days because I was in BOCES three days, and then</p> <p>25 when they increased me to full-time I gave notice</p>	<p style="text-align: right;">Page 27</p> <p>1 D. PERITZ</p> <p>2 and left altogether, and the why is because it was a</p> <p>3 two-hour commute.</p> <p>4 Q Okay. Now, when you were hired by BOCES,</p> <p>5 were you contacted by BOCES or did you seek out</p> <p>6 employment with them?</p> <p>7 A I was contacted by Janet Weisel, but in</p> <p>8 order for that to happen, somebody had recommended</p> <p>9 to me, another therapist, that I should fill out the</p> <p>10 civil service exam, and I did that.</p> <p>11 Q Okay.</p> <p>12 A And then Janet Weisel contacted me.</p> <p>13 Q When was that that you took the civil</p> <p>14 service exam?</p> <p>15 A I'm not sure. Something like 2014 or '15</p> <p>16 -- '14.</p> <p>17 MS. KALLUS: Don't guess.</p> <p>18 A '14.</p> <p>19 Q And do you remember who it was that</p> <p>20 recommended you take it?</p> <p>21 A Yes, a therapist that I knew. I don't</p> <p>22 remember her name, but --</p> <p>23 Q Did she tell you why she recommended you</p> <p>24 take it?</p> <p>25 A 'Cause she had done it and she was working</p>
<p style="text-align: right;">Page 28</p> <p>1 D. PERITZ</p> <p>2 in a school out here and there was no lengthy</p> <p>3 commute.</p> <p>4 Q Around the time that you became employed</p> <p>5 by BOCES, had you been looking for employment in</p> <p>6 other school districts?</p> <p>7 A No.</p> <p>8 Q Or had you been looking for other</p> <p>9 employment even outside of the school district at</p> <p>10 that time?</p> <p>11 A No.</p> <p>12 Q Prior to working for the New York City</p> <p>13 Department of Education, had you had any other</p> <p>14 employment experience in the educational setting?</p> <p>15 A No. Except as I told you before as a</p> <p>16 paraprofessional.</p> <p>17 Q And I know you mentioned when you were</p> <p>18 working at your own private practice between the</p> <p>19 time that you left the New York City Department of</p> <p>20 Education and the time that you returned and then</p> <p>21 while you were still working with the New York City</p> <p>22 Department of Education, that you did some work for</p> <p>23 other schools; is that correct?</p> <p>24 A Uh-huh.</p> <p>25 Q Yes?</p>	<p style="text-align: right;">Page 29</p> <p>1 D. PERITZ</p> <p>2 A Yes. I'm sorry.</p> <p>3 Q It's okay. Everyone does it. Do you</p> <p>4 remember the names of any of those schools?</p> <p>5 A Well, like, I have a Nassau County</p> <p>6 contract where I do CPSC, so -- which is made for</p> <p>7 preschool education, and so I go into schools and</p> <p>8 treat children or treat them in their home,</p> <p>9 depending upon what is deemed appropriate by their</p> <p>10 IEPs, and then -- I think. But I don't remember the</p> <p>11 dates. At some point I worked part-time in a local</p> <p>12 school district. I'm sorry.</p> <p>13 Can you repeat your question. I'm</p> <p>14 confused of dates.</p> <p>15 Q Sure.</p> <p>16 MS. LINEEN: Do you mind reading back the</p> <p>17 question.</p> <p>18 (Whereupon, the last question was read</p> <p>19 back.)</p> <p>20 A So I really just should have said yes.</p> <p>21 Q It's okay. I think I had asked what -- if</p> <p>22 you recall the names of any of the school districts</p> <p>23 that you worked in?</p> <p>24 A During the time that I worked for New York</p> <p>25 City Department I did not work for any other</p>

Page 30

1 D. PERITZ

2 districts since I was working in the school during

3 the whole day, so there would be no time to do that.

4 During the interim time I worked for

5 a local district, I think I worked for Syossett for,

6 you know, some cases. When -- when districts --

7 you're contract, so when districts don't -- when

8 they either have their own therapists and they have

9 extra or many, many districts do not hire their own,

10 so therefore you could be called to do different

11 contract work at different districts. So I've

12 worked in Wantagh, and I worked in Huntington --

13 Q Okay.

14 A -- that I can recall. There may be others

15 but nothing -- none of those were permanent

16 positions with benefits.

17 Q In -- when you were in Syossett, Wantagh,

18 Huntington, were you actually an employee of the

19 district --

20 A No.

21 Q -- or were you a contract?

22 A Other.

23 Q Were you retained pursuant to a contract?

24 A Yes.

25 Q And were you paid by that school district

Page 32

1 D. PERITZ

2 with plaintiff's counsel. We're at a

3 deposition and we have a little bit of an issue

4 that's come up that we want a ruling from the

5 judge on.

6 MS. CASALINI: Okay. What is the case

7 docket number?

8 Q It is 16CV5478.

9 A Okay.

10 Q Now, the judge is not in right now, so if

11 you'd like I can just go over the discovery -- the

12 deposition dispute, and see if we can come to some

13 resolution; however, it's nothing that's going to be

14 an order that's put on the record today.

15 MS. LINEEN: Okay. So the issue is we're

16 still kind of in the general background phase

17 of the deposition. I'm taking the plaintiff's

18 deposition and --

19 MS. CASALINI: Wait. Can you just tell me

20 -- first of all, let me pull up the docket

21 number, and it is 165478.

22 MS. KALLUS: Yes.

23 MS. LINEEN: Yes.

24 MS. CASALINI: Okay. Hold on. And it's

25 Peritz, all right. Can you tell me who is on

Page 31

1 D. PERITZ

2 or the county?

3 A You're paid -- once it's a -- once it

4 ends -- once it's not preschool, you're paid by the

5 district. However, I wasn't paid by the district;

6 the district pays the agencies who then pays me.

7 Q And which agency were you working for at

8 the time?

9 A I worked for many, many.

10 Q Can I have the names of the agencies

11 you've work for?

12 A You can, except for -- I'll be very honest

13 with you. I do not want anybody at BOCES having

14 that information.

15 MS. KALLUS: Can we go off the record

16 right now.

17 MS. LINEEN: Sure.

18 (Discussion held off the record.)

19 MS. LINEEN: I'm going to actually call

20 the judge.

21 (Discussion held off the record.)

22 (Phone call made to the judge.)

23 MS. LINEEN: Hi, good morning. This is

24 Carolyn Lineen. I'm defense counsel on the

25 Peritz versus Nassau BOCES case, and I'm here

Page 33

1 D. PERITZ

2 the phone.

3 MS. LINEEN: Carolyn Lineen from Silverman

4 & Associates, and I represent all of the

5 defendants.

6 MS. KALLUS: And I'm Mindy Kallus for the

7 plaintiff, Diane Peritz.

8 MS. CASALINI: Okay. So what is the

9 issue?

10 MS. LINEEN: So we're -- we're still in

11 the kind of general background phase of my

12 questioning, and I was asking the plaintiff

13 about her prior employment experience, which I

14 normally do in the course of any deposition

15 just to get a sense of the person's experience.

16 And she has testified that she did work in

17 school districts as an occupational therapist

18 through certain agencies. And I asked for the

19 name of the agencies, and she's refusing to

20 give them to me because she has expressed that

21 she has a concern that my clients will call and

22 badmouth her to those agencies.

23 We had a discussion off the record and I

24 advised that I don't -- I have no issue

25 stipulating to the fact that those names will

Page 34

1 D. PERITZ

2 only be used for purposes of this litigation

3 instructing my clients of the same, and -- but

4 she is still refusing to answer. I'll let

5 plaintiff's counsel speak.

6 MS. KALLUS: Yeah, so she's refusing to

7 answer because of the -- well, the underlining

8 lawsuit involves a termination of a

9 probationary period and her reputation as an

10 occupational therapist in the community, which

11 until the events of this lawsuit were

12 completely fine, and she's really panicked that

13 two of the individual defendants will abuse

14 that information, and so I recommended to

15 defense counsel that there might be a way for

16 her to sort of firewall the information, so

17 that it's information that's in the case but

18 not necessarily shared with the defendants.

19 It's happened to me in other cases where I

20 managed to work with lawyers who will just

21 basically, you know, keep the information where

22 it has to be, but not, you know -- make sure

23 she's not harmed by conveying this information.

24 MS. LINEEN: Well, the individuals are

25 named defendants in this case, so you know, if

Page 36

1 D. PERITZ

2 MS. KALLUS: She wasn't unwilling to talk

3 about that prior employer. I mean, that was

4 ultimately information that didn't have any

5 impact on her reputation, basically. We can

6 take that --

7 MS. CASALINI: So it sounds like the two

8 of you might be able to work this out. I mean,

9 I can tell you that my experience with Judge

10 Shelton -- she usually does have parties answer

11 questions and -- you know, unless there's an

12 objection as to privilege or if it was

13 something that is really -- you know, like a

14 social security number or something that could

15 be, you know -- that would just be used for

16 harassment -- then it's usually directed that

17 the person answer, notwithstanding any

18 objection.

19 With that being said, I can't give you any

20 direction -- any order, but it does sound like

21 both of you might be able to work this out with

22 some kind of stipulation.

23 MS. LINEEN: You know, the issue is I

24 think even if we stipulated it on the record,

25 it sounds like the plaintiff is still not going

Page 35

1 D. PERITZ

2 they were to ask me about testimony, I can't

3 withhold it because they have a right to know

4 what has been disclosed in discovery.

5 But certainly we could stipulate that it

6 will be kept confidential among me and the

7 defendants and anyone that we would normally

8 include in the stipulation like that and not

9 used for anything other than this litigation.

10 MS. KALLUS: And not to contact anyone. I

11 might be able to persuade her. As long as

12 you're not contacting. I mean, if the purpose

13 is like a discovery position then you're going

14 to call them. Then we're going to have a

15 problem.

16 MS. LINEEN: First of all, I -- I, as an

17 attorney, could seek out records. I don't

18 think my clients could. This is speculation

19 that my clients would make any effort to

20 contact these people.

21 And while plaintiff's counsel says

22 her client's reputation was untarnished before this,

23 she did have a lawsuit against her prior employers,

24 so you know, I think this is information that we're

25 entitled to explore in the course of discovery.

Page 37

1 D. PERITZ

2 to answer that.

3 MS. KALLUS: I think she needs to get a

4 ruling from the judge because she's --

5 MS. CASALINI: Well, then what I can

6 recommend is that you continue with your

7 deposition and any questions that you would

8 have issues with.

9 At that point you can submit them to the

10 judge or you can call on Monday with a list of

11 the different issues because more might come up

12 individually; however, you're not going to be

13 getting a ruling necessarily today.

14 MS. LINEEN: Okay. So if we are to do it

15 on Monday, should we just call with both

16 parties on the line, or should we submit a

17 letter before, or --

18 MS. CASALINI: Well, if you have specific

19 deposition questions that came up, it might

20 make sense just to submit, you know, a motion

21 maybe for a conference call at a specific time.

22 List the times and also print in that motion of

23 what the actual deposition issues were.

24 MS. LINEEN: Okay.

25 MS. CASALINI: Does that make sense? That

<p style="text-align: right;">Page 38</p> <p>1 D. PERITZ</p> <p>2 way the judge can review it. We can look at</p> <p>3 it, and then based upon whatever time is</p> <p>4 available for both of you as well as for the</p> <p>5 judge, we can put in on a conference call.</p> <p>6 MS. KALLUS: Monday might not work for me.</p> <p>7 I have a trial. A one-day trial.</p> <p>8 MS. LINEEN: Okay.</p> <p>9 MS. CASALINI: So you can also put down a</p> <p>10 different day that would work or a different</p> <p>11 time that would work.</p> <p>12 MS. LINEEN: We'll actually be together on</p> <p>13 Tuesday for another deposition, so we could try</p> <p>14 to give a call then.</p> <p>15 MS. CASALINI: Okay. And, you know, I</p> <p>16 don't know what implications this would have if</p> <p>17 the judge, you know, does rule whichever way --</p> <p>18 if the party will have to come back for a</p> <p>19 deposition.</p> <p>20 MS. KALLUS: Right.</p> <p>21 MS. CASALINI: And that's something that</p> <p>22 you both might want to consider as well. Maybe</p> <p>23 there is some kind of resolution that you can</p> <p>24 come up with.</p> <p>25 MS. LINEEN: Okay.</p>	<p style="text-align: right;">Page 39</p> <p>1 D. PERITZ</p> <p>2 MS. CASALINI: Okay.</p> <p>3 MS. LINEEN: All right. Thank you. Can I</p> <p>4 just make sure I have your name.</p> <p>5 MS. CASALINI: My name is</p> <p>6 Rosalind Casalini. I'm Judge Shields' law</p> <p>7 clerk.</p> <p>8 MS. LINEEN: All right. Thank you.</p> <p>9 MS. CASTELINO: You're welcome.</p> <p>10 MS. LINEEN: All right.</p> <p>11 (Discussion held off the record.)</p> <p>12 MS. LINEEN: We have just made an call to</p> <p>13 the judge's chambers. The judge is not in, but</p> <p>14 we did speak to her law clerk who directed us</p> <p>15 to either try and find a way to work it out or</p> <p>16 save the question for a ruling.</p> <p>17 I would like the question of the names of</p> <p>18 the agencies for whom the plaintiff worked to</p> <p>19 be marked for a ruling. I intend to seek that,</p> <p>20 and I intend to hold the deposition open until</p> <p>21 we get that information.</p> <p>22 I have agreed to enter into a stipulation</p> <p>23 of confidentiality that those names will be</p> <p>24 kept confidential and only used for the</p> <p>25 purposes of this litigation.</p>
<p style="text-align: right;">Page 40</p> <p>1 D. PERITZ</p> <p>2 My understanding is that that is not</p> <p>3 sufficient for plaintiff. So we're going to</p> <p>4 leave the question for a ruling, and I'll seek</p> <p>5 that ruling.</p> <p>6 And if the ruling is that the plaintiff</p> <p>7 has to answer the question, I will either seek</p> <p>8 a further deposition or a continued deposition</p> <p>9 of the plaintiff to get those questions or</p> <p>10 submit questions in writing. I'm not sure, but</p> <p>11 I reserve my right to call the plaintiff back</p> <p>12 to obtain answers to those questions.</p> <p>13 A Can I ask for clarification?</p> <p>14 MS. KALLUS: Maybe off the record.</p> <p>15 MS. LINEEN: Well, I want this all on the</p> <p>16 record now.</p> <p>17 MS. KALLUS: Okay.</p> <p>18 A So you just said that you offered for this</p> <p>19 to be confidential, which means what exactly?</p> <p>20 Q Well, your attorney is going to explain to</p> <p>21 you that I've offered -- there's generally a</p> <p>22 confidentiality agreement in cases on certain types</p> <p>23 of information.</p> <p>24 That means that the information is</p> <p>25 not to be shared with outside or third parties.</p>	<p style="text-align: right;">Page 41</p> <p>1 D. PERITZ</p> <p>2 It's only to be kept -- to be shared or discussed or</p> <p>3 reviewed among the parties of the case, their</p> <p>4 attorneys, anyone who works for their office. This</p> <p>5 would be the standard kind of agreement. Any</p> <p>6 witnesses or affiants in the case and to only be</p> <p>7 used for purposes of the litigation. So in</p> <p>8 preparation of the defense of the litigation or in</p> <p>9 your case, preparation of support of your claim.</p> <p>10 But your attorney can certainly explain it more to</p> <p>11 you if needed.</p> <p>12 MS. KALLUS: Do you want me to?</p> <p>13 I mean, she's basically saying it will be</p> <p>14 confidential and it wouldn't be used for</p> <p>15 anything but the litigation.</p> <p>16 The question is whether that would</p> <p>17 include -- not -- whether or not the individual</p> <p>18 defendants could be contacting your --</p> <p>19 A Right. Yeah, that's the part that I have</p> <p>20 -- that would include that?</p> <p>21 MS. KALLUS: We're --</p> <p>22 A Okay. So we better just stick with the</p> <p>23 original answer.</p> <p>24 Q Okay. I'm going get a ruling on that, and</p> <p>25 we'll take it up when the court gives us a ruling.</p>

<p style="text-align: right;">Page 42</p> <p>1 D. PERITZ</p> <p>2 A Okay.</p> <p>3 Q So -- now, did you ever file any claims</p> <p>4 for discrimination of harassment against the</p> <p>5 New York City Department of Education or Board of</p> <p>6 Education?</p> <p>7 A I don't think so.</p> <p>8 Q Did you ever file a lawsuit against the</p> <p>9 New York City Department of Education?</p> <p>10 A Yes.</p> <p>11 Q Do you remember what you're alleging in</p> <p>12 that case, even generally?</p> <p>13 A Yeah, it was specifically involving the</p> <p>14 time that I mentioned that -- at which was my only</p> <p>15 issue. When I bought glasses for a child and the</p> <p>16 principal had issue with it.</p> <p>17 The foster child -- and I had written</p> <p>18 permission from his agency to do it, and he could</p> <p>19 not see without the glasses. So as I previously</p> <p>20 mentioned, I was found not guilty and got all my</p> <p>21 money back.</p> <p>22 Q Okay. When you say you were found not</p> <p>23 guilty, was that through the loss that you filed?</p> <p>24 A Well, the union's sort of -- yeah, it was</p> <p>25 elaborate, but yeah -- but yes.</p>	<p style="text-align: right;">Page 43</p> <p>1 D. PERITZ</p> <p>2 Q Where was --</p> <p>3 A It wasn't really a guilt -- not guilty</p> <p>4 sounds like there was an allege of guilt. It wasn't</p> <p>5 not guilty I was -- you know, I got all my money</p> <p>6 back.</p> <p>7 Q Where was your lawsuit filed? Was it in</p> <p>8 state court or federal court?</p> <p>9 A I don't know.</p> <p>10 Q Okay. And did it proceed to trial?</p> <p>11 A No.</p> <p>12 Q Okay. How was it resolved? Was there a</p> <p>13 settlement?</p> <p>14 A Just a meeting. Yeah, a settlement.</p> <p>15 Q And was there anything else included in</p> <p>16 that -- well, actually -- withdrawn.</p> <p>17 Was part of the settlement getting</p> <p>18 your wages back?</p> <p>19 A Uh-huh.</p> <p>20 Q Yes?</p> <p>21 A Yes. Sorry.</p> <p>22 Q It's okay. Was there anything including</p> <p>23 in that settlement?</p> <p>24 A Anything else? Like what?</p> <p>25 Q Did you get anything else?</p>
<p style="text-align: right;">Page 44</p> <p>1 D. PERITZ</p> <p>2 A Above the wages? Yes, I did.</p> <p>3 Q What did you get?</p> <p>4 A A little bit of money.</p> <p>5 Q Do you recall how much money?</p> <p>6 A I don't know, like \$20,000 maybe. I'm not</p> <p>7 sure.</p> <p>8 Q Did you get any sort of -- actually --</p> <p>9 withdrawn.</p> <p>10 A I returned to work.</p> <p>11 Q Okay. Was there anything in the</p> <p>12 settlement where the Department of Education agreed</p> <p>13 to give you any sort of reference for future</p> <p>14 employment?</p> <p>15 A No, 'cause I didn't ask for it.</p> <p>16 Q Okay. Did you sign any actual written</p> <p>17 agreement about the settlement and what you were</p> <p>18 getting?</p> <p>19 A I don't know.</p> <p>20 MS. LINEEN: Okay. I'm going call for</p> <p>21 production of any written settlement agreement</p> <p>22 and I'll follow up in writing, and I'm also</p> <p>23 going to demand an authorization to get the</p> <p>24 plaintiff's employment record from the New York</p> <p>25 City Department of Education and I'll follow up</p>	<p style="text-align: right;">Page 45</p> <p>1 D. PERITZ</p> <p>2 in writing as well.</p> <p>3 Q Now, other than the employment that we've</p> <p>4 talked about that you had in the public school</p> <p>5 setting before working at BOCES and the work that</p> <p>6 you've done through the agencies, have you ever been</p> <p>7 employed directly by any sort of private school?</p> <p>8 A No.</p> <p>9 Q When you were -- when did your employment</p> <p>10 with BOCES start?</p> <p>11 A March 2015, maybe.</p> <p>12 Q Okay. What was your position at that</p> <p>13 time?</p> <p>14 A Occupational therapist.</p> <p>15 Q Now, you had previously testified that</p> <p>16 Janet Weisel contacted you?</p> <p>17 A Yes.</p> <p>18 Q Did you have any interviews for that</p> <p>19 position?</p> <p>20 A Yes, I did.</p> <p>21 Q Do you remember how many?</p> <p>22 A I think only one.</p> <p>23 Q Okay. Do you remember who was present at</p> <p>24 the interview?</p> <p>25 A Only Janet. Her -- the PT supervisor was</p>

<p style="text-align: right;">Page 46</p> <p>1 D. PERITZ</p> <p>2 in the room. I can't remember her name, but she</p> <p>3 was -- they share an office, so Janet was with me</p> <p>4 and she was working at her desk.</p> <p>5 Q Okay. And you don't remember her name?</p> <p>6 A I don't.</p> <p>7 Q And where was it?</p> <p>8 A In Janet's office -- well, in their</p> <p>9 office.</p> <p>10 Q And which building?</p> <p>11 A It's like an adjunct building to the CCA</p> <p>12 building, but --</p> <p>13 Q Is that the center for community</p> <p>14 adjustment or --</p> <p>15 A Uh-huh.</p> <p>16 Q Yes?</p> <p>17 A Yes.</p> <p>18 Q Okay. Okay. And what do you recall being</p> <p>19 discussed in that interview?</p> <p>20 A She asked me my experience. She asked</p> <p>21 me -- I think she asked me for references. She</p> <p>22 asked me what I liked about New York City Board of</p> <p>23 Ed, working at a school, if I -- what populations I</p> <p>24 worked with, what was I comfortable doing,</p> <p>25 et cetera, et cetera.</p>	<p style="text-align: right;">Page 47</p> <p>1 D. PERITZ</p> <p>2 Q Let me just back up a little bit. At the</p> <p>3 time you worked for the New York City Board of Ed,</p> <p>4 did you make any claims or file any charges or</p> <p>5 complaints alleging that you were being subject to a</p> <p>6 hostile work environment?</p> <p>7 A No.</p> <p>8 Q Is there anything else that you recall</p> <p>9 being discussed at this interview with Janet Weisel</p> <p>10 that you haven't told me about?</p> <p>11 A No.</p> <p>12 Q Was there any discussion about the</p> <p>13 position?</p> <p>14 A Oh, yeah. Well, she told me she was</p> <p>15 looking for a couple of different therapists to fill</p> <p>16 out the vacancies that they were having at BOCES,</p> <p>17 and that she had heard my name -- actually, I do</p> <p>18 remember.</p> <p>19 She had not yet gotten the civil</p> <p>20 service list, but someone told her about me -- I</p> <p>21 don't know who -- and that I came highly</p> <p>22 recommended, so she decided to start her interview</p> <p>23 process before actually receiving the list.</p> <p>24 Q Okay. And I know you mentioned</p> <p>25 references. Do you remember whether you gave her</p>
<p style="text-align: right;">Page 48</p> <p>1 D. PERITZ</p> <p>2 references?</p> <p>3 A Yeah, of course.</p> <p>4 Q Did you give anyone from the New York City</p> <p>5 Board of Education?</p> <p>6 A I did not.</p> <p>7 Q During that interview, was there any</p> <p>8 discussion about whether the position would be</p> <p>9 probationary?</p> <p>10 A Yeah, she said that it starts out</p> <p>11 probationary but that tenure for OTs and PTs are</p> <p>12 almost automatic. She said -- because I asked over</p> <p>13 and over again because I was permanent at the New</p> <p>14 York City Board of Ed and I didn't want to give that</p> <p>15 up for something that was not permanent.</p> <p>16 She said initially she was looking</p> <p>17 for somebody three days and that was a concern to me</p> <p>18 as well because I worked five days, and so she said</p> <p>19 it would start as three days but then they did know</p> <p>20 that they were people that were retiring so</p> <p>21 eventually it would go up to five days.</p> <p>22 Q Did you ask her any more questions about</p> <p>23 obtaining permanent status from a probationary</p> <p>24 period?</p> <p>25 A She just said you're observed three times.</p>	<p style="text-align: right;">Page 49</p> <p>1 D. PERITZ</p> <p>2 You submit your résumé and a copy of an evaluation</p> <p>3 you do while you're working there, and again that</p> <p>4 if -- for -- unlike the probationary period for</p> <p>5 teachers that becomes very elaborate, for therapists</p> <p>6 it's more or less automatic.</p> <p>7 Q Now, you said she said you were observed</p> <p>8 three times. Is that meaning three times in the</p> <p>9 entire probationary period? Or three times the</p> <p>10 school year? What was your understanding?</p> <p>11 A The probationary period is only six</p> <p>12 months, so it's -- for OT's and PT's it's a very</p> <p>13 quick process and she explained that, but I knew</p> <p>14 that anyway. Again, because we're a different</p> <p>15 status than teachers.</p> <p>16 Q Okay. I'm -- go ahead.</p> <p>17 A And she said I would be observed twice in</p> <p>18 the spring which is when I was starting so that</p> <p>19 would give me four to six weeks to get comfortable</p> <p>20 and then she would observe me twice and then once in</p> <p>21 the fall right before the papers would be submitted.</p> <p>22 Q Okay. So when you were first employed by</p> <p>23 BOCES, was that -- that was part-time?</p> <p>24 A Three days, yes.</p> <p>25 Q Okay. And where were you assigned then?</p>

<p style="text-align: right;">Page 50</p> <p>1 D. PERITZ</p> <p>2 A I was assigned to CCA, and I was assigned</p> <p>3 to the Jerusalem Avenue School.</p> <p>4 Q Okay. Did you have a supervisor there?</p> <p>5 A Well, Janet Weisel remained the supervisor</p> <p>6 at the Jerusalem Avenue School. There is a lead</p> <p>7 therapist, and her name is Althea, A-L-T-H-E-A. I</p> <p>8 don't remember her last name but there can't be many</p> <p>9 with that name -- and she got me situated and helped</p> <p>10 me and so forth and got me started.</p> <p>11 At the other school, CCA, there was</p> <p>12 no one who had that type of position, but that's</p> <p>13 where I was assigned. When you're a therapist</p> <p>14 you're always assigned a mentor and so my mentor was</p> <p>15 Leora. Again I don't know her last name. And then</p> <p>16 --</p> <p>17 Q Do you know what her position was?</p> <p>18 A Occupational therapist.</p> <p>19 Q Was she a lead therapist or just -- just?</p> <p>20 A No, no. She happened to share the office</p> <p>21 with me.</p> <p>22 Q All right. And those were the only two</p> <p>23 places you are assigned when you were in that</p> <p>24 part-time role at BOCES?</p> <p>25 A Yes -- well, I went from part-time to</p>	<p style="text-align: right;">Page 51</p> <p>1 D. PERITZ</p> <p>2 full-time, but it remained in those two places.</p> <p>3 Q So at some point you went to full-time</p> <p>4 during the '14-'15 school year; is that correct?</p> <p>5 A Yes. I'm just debating the date.</p> <p>6 MS. KALLUS: Well, I don't think she ever</p> <p>7 worked there for '14.</p> <p>8 A Yeah, I started in '15.</p> <p>9 Q Right. The '14-15 school year?</p> <p>10 A Right.</p> <p>11 Q At some point after you were first hired,</p> <p>12 did you go to full-time status as BOCES?</p> <p>13 A Yes.</p> <p>14 Q Do you remember when that was?</p> <p>15 A Right after Easter break Janet had asked</p> <p>16 me to do it, and she had to get special permission</p> <p>17 from civil service to allow it, because actually the</p> <p>18 law said that you could not go from part-time to</p> <p>19 full-time. You had to wait 'till the end of your</p> <p>20 probationary period, but she said to me there was a</p> <p>21 need, and also that she was hearing just good things</p> <p>22 about my work; that they wanted me to be full-time.</p> <p>23 Q Okay. Just to back up a little bit. When</p> <p>24 you were in the part-time role -- well, actually --</p> <p>25 withdrawn.</p>
<p style="text-align: right;">Page 52</p> <p>1 D. PERITZ</p> <p>2 When you first started working for</p> <p>3 BOCES in that part-time role, what was your</p> <p>4 understanding of the length of the probationary</p> <p>5 period of your position?</p> <p>6 A Something like six months.</p> <p>7 Q And what was your understanding of what a</p> <p>8 probationary period meant or was?</p> <p>9 A Just what I said before. That a</p> <p>10 probationary period for therapists was automatic to</p> <p>11 go to tenure and at the end of that -- that you</p> <p>12 would be observed three times, and at the end of</p> <p>13 that process you needed to submit your updated</p> <p>14 résumé as well as an evaluation that you performed</p> <p>15 during the time you were working at BOCES, and then</p> <p>16 you would become full-time -- I mean permanent.</p> <p>17 Q Now, what do you mean an evaluation that</p> <p>18 you performed while you are were working st BOCES?</p> <p>19 Something you drafted?</p> <p>20 A There were all those kids that needed to</p> <p>21 have OT evals anywhere you go, so -- yeah, you do</p> <p>22 the eval, you write it up --</p> <p>23 Q All right?</p> <p>24 A -- they get therapy or don't, and you need</p> <p>25 to submit that.</p>	<p style="text-align: right;">Page 53</p> <p>1 D. PERITZ</p> <p>2 Q I just want to clarify whether that</p> <p>3 evaluation you referenced was one that would have</p> <p>4 been drafted by you.</p> <p>5 A Yes.</p> <p>6 Q And submitted?</p> <p>7 A Yes, yes.</p> <p>8 Q Now, at this time that you started working</p> <p>9 for BOCES in the part-time position, did you</p> <p>10 understand that a probationary period during that</p> <p>11 time you could be fired?</p> <p>12 A Well, not really, because I asked over and</p> <p>13 over again -- because what happened was when Janet</p> <p>14 called me and offered me the position, there wasn't</p> <p>15 quite 30 days before she wanted me to start, and I</p> <p>16 would have to notify New York City Board of Ed, and</p> <p>17 technically you're supposed to give 30 days' notice.</p> <p>18 Q To New York City?</p> <p>19 A To BOCES, to anywhere that you work as a</p> <p>20 therapist, but yes, to New York City.</p> <p>21 Secondly, it was a part-time</p> <p>22 position, and I had a full-time position, and so --</p> <p>23 and -- and -- and finally, I really wanted to start</p> <p>24 in the fall. Not, you know -- I never wanted to</p> <p>25 leave midyear, so -- but it was also a very</p>

<p style="text-align: right;">Page 54</p> <p>1 D. PERITZ</p> <p>2 difficult winter with lots and lots of snow and ice</p> <p>3 and my two-hour commute was taking more than that.</p> <p>4 And so -- and you would get to the city and not be</p> <p>5 able to park because they wouldn't shovel spots, and</p> <p>6 so I was -- it was a very stressful commute. So I</p> <p>7 was open to talking about it but only if it was</p> <p>8 something that was almost granted.</p> <p>9 Q Okay. But my question to you was: At the</p> <p>10 time that you started with BOCES -- in that</p> <p>11 part-time role, was -- did you understand that a</p> <p>12 probationary period -- that serving a probationary</p> <p>13 period meant that in that time that you could be</p> <p>14 terminated?</p> <p>15 A Again, as she said it was --</p> <p>16 Q Yes or no?</p> <p>17 A It's not a yes or no question.</p> <p>18 Q It is.</p> <p>19 A It's really not, because --</p> <p>20 Q Did you understand that or not?</p> <p>21 A I guess not, no.</p> <p>22 Q All right. When you worked for the New</p> <p>23 York City Department of Education, had you been in a</p> <p>24 probationary position before?</p> <p>25 A As I said, you are for the first six</p>	<p style="text-align: right;">Page 55</p> <p>1 D. PERITZ</p> <p>2 months, but because I had a scholarship for them --</p> <p>3 I don't think -- I don't think it's ever been heard</p> <p>4 of that anyone doesn't finish.</p> <p>5 Q Okay. But when you first took a job with</p> <p>6 them and you were in a probationary capacity, did</p> <p>7 you have an understanding that in that probationary</p> <p>8 capacity you could be fired?</p> <p>9 A I guess not, no.</p> <p>10 Q Okay. At any time that you worked in the</p> <p>11 field of education, did you understand that</p> <p>12 probationary period meant that you could be fired</p> <p>13 during that probationary period?</p> <p>14 A Again, no, because of what I just --</p> <p>15 therapists are just a different breed and I don't</p> <p>16 think teachers get probationary periods, if they get</p> <p>17 tenure or not.</p> <p>18 Q Okay. I'm not asking about the teacher</p> <p>19 and their probationary period. I'm asking whether</p> <p>20 you ever had an understanding that during the</p> <p>21 probationary period you could be terminated?</p> <p>22 A No.</p> <p>23 Q Okay. Now, when you -- oh, actually --</p> <p>24 before you went to full-time at BOCES, had you been</p> <p>25 formally observed by anyone at BOCES?</p>
<p style="text-align: right;">Page 56</p> <p>1 D. PERITZ</p> <p>2 A Only Leora. Not formally, no.</p> <p>3 Q You said only Leora?</p> <p>4 A Yes.</p> <p>5 Q Had she done an observation of you?</p> <p>6 A No, she was -- her office was in the same</p> <p>7 office as me, and her treatment was in the same</p> <p>8 treatment area as me. So she had, according to</p> <p>9 Janet, told -- that I was doing a great job.</p> <p>10 I think also the AP -- again, she</p> <p>11 didn't observe me formally -- gave really good</p> <p>12 feedback about me, so that's, according to Janet,</p> <p>13 how they decided to ask for the part-time to</p> <p>14 full-time status.</p> <p>15 Q And who was that AP?</p> <p>16 A Frank Barrett.</p> <p>17 Q And --</p> <p>18 A Oh, and also at Jerusalem Avenue School,</p> <p>19 every therapist observed every other therapist,</p> <p>20 because again, it's not formal, but you're all</p> <p>21 treating in the same room. So any time there's an</p> <p>22 issue people help you. It's a very cohesive</p> <p>23 environment.</p> <p>24 Q Okay. I'm talking a formal observation --</p> <p>25 A No.</p>	<p style="text-align: right;">Page 57</p> <p>1 D. PERITZ</p> <p>2 Q -- done for evaluation purposes?</p> <p>3 A No. Janet is the only one who does those.</p> <p>4 Q Okay. And it's your testimony that Janet</p> <p>5 told you Frank Barrett said good things about you to</p> <p>6 her?</p> <p>7 A Yes.</p> <p>8 Q And now when you went full-time, did you</p> <p>9 remain assigned to CCA in Jerusalem Avenue School</p> <p>10 for the remainder of that school year?</p> <p>11 A Yes, I did.</p> <p>12 Q And did your supervisor change at all in</p> <p>13 that role?</p> <p>14 A No.</p> <p>15 Q And when you were -- when you went to</p> <p>16 full-time status, was that position probationary?</p> <p>17 A I don't know how to answer that question.</p> <p>18 It was the same --</p> <p>19 Could you ask your question again.</p> <p>20 MS. LINEEN: Sure.</p> <p>21 Can you repeat the question.</p> <p>22 (Whereupon, the last question was read</p> <p>23 back.)</p> <p>24 A The position didn't change, so it was</p> <p>25 still part -- the dates didn't change, the tenure</p>

<p style="text-align: right;">Page 58</p> <p>1 D. PERITZ</p> <p>2 process didn't change; they just got a special</p> <p>3 permission to increase my status from part-time to</p> <p>4 full-time.</p> <p>5 Q So it was still probationary at that time,</p> <p>6 correct?</p> <p>7 A Yes.</p> <p>8 Q Okay.</p> <p>9 A Yes.</p> <p>10 Q Now, as an occupational therapist at</p> <p>11 BOCES, in that -- well, withdrawn.</p> <p>12 As an occupational therapist at</p> <p>13 BOCES, what were your duties and responsibilities?</p> <p>14 A To evaluate and treat students, to make up</p> <p>15 a schedule -- so you could do that. I don't know</p> <p>16 what you're asking.</p> <p>17 Q Well, I'm just asking for you to describe</p> <p>18 to me your general duties and responsibilities in</p> <p>19 the role to the best you can.</p> <p>20 A I think I just did.</p> <p>21 Q Okay.</p> <p>22 A Oh, you treat based on their IEP.</p> <p>23 Q Anything else that you can think of?</p> <p>24 A Not really. Eventually -- but that wasn't</p> <p>25 true -- it actually wasn't true for me ever; you</p>	<p style="text-align: right;">Page 59</p> <p>1 D. PERITZ</p> <p>2 need to actually -- well, maybe it was at the end.</p> <p>3 You need to write IEP goals, go to the IEP meetings</p> <p>4 and so forth, but it certainly wasn't true during</p> <p>5 the -- during the spring.</p> <p>6 Q Okay. And when you say go to the IEP</p> <p>7 meetings, are you referring to the special education</p> <p>8 meetings or something else?</p> <p>9 A I guess it's done in the office. You</p> <p>10 know, the principal's office.</p> <p>11 You know, I think -- I think if you</p> <p>12 worked in a regular -- typical -- like a general</p> <p>13 school, there is a CSC. I'm not sure in BOCES if</p> <p>14 there is because all the kids have IEPs.</p> <p>15 Q Well, let me ask you this: Were you ever,</p> <p>16 in your role as an OT at Nassau BOCES -- did ever</p> <p>17 have to attend CSCs at the home school districts for</p> <p>18 the students?</p> <p>19 A No, but there was a period that home</p> <p>20 school districts -- I think it was on the phone once</p> <p>21 during one of our meetings and possibly a</p> <p>22 representative came.</p> <p>23 Q Okay.</p> <p>24 MS. LINEEN: Can I have this marked.</p> <p>25 (Whereupon, document, Defendant's Exhibit</p>
<p style="text-align: right;">Page 60</p> <p>1 D. PERITZ</p> <p>2 E was marked for Identification.)</p> <p>3 Q Okay. I'm going to ask you to look at</p> <p>4 what has been marked Defendant's as Exhibit E. The</p> <p>5 job description for occupational therapists. It's</p> <p>6 Bates No. DEF114 and 115, the same thing you're look</p> <p>7 at.</p> <p>8 Have you had a second to look at this</p> <p>9 document?</p> <p>10 A No. I -- I may have seen it when I first</p> <p>11 applied, but no.</p> <p>12 Q I was just going ask you if you ever seen</p> <p>13 this. Now, you can take a second to look at it if</p> <p>14 you need to, but is this an accurate description of</p> <p>15 your typical job duties and responsibilities in the</p> <p>16 role of OT with Nassau BOCES?</p> <p>17 A There were no OT assistants at BOCES while</p> <p>18 I was there.</p> <p>19 Q Okay.</p> <p>20 A I don't know. I should look at the whole</p> <p>21 thing 'cause that is just a --</p> <p>22 Q Okay. You can take a look if you need to.</p> <p>23 A It's interesting. I think how they're</p> <p>24 calling students patients here.</p> <p>25 Q Okay. So my question to you is: Looking</p>	<p style="text-align: right;">Page 61</p> <p>1 D. PERITZ</p> <p>2 at it, is that an accurate description or reflection</p> <p>3 or your job duties and responsibilities when you</p> <p>4 were in the role as an OT at Nassau BOCES?</p> <p>5 A Well, not totally, because I never did a</p> <p>6 whole year, so I don't think there were any staff</p> <p>7 conferences.</p> <p>8 Q Okay.</p> <p>9 A I didn't put -- I didn't ask for supplies</p> <p>10 and equipment. I mean, except pads and paper and</p> <p>11 stuff like that, and as for home care I really</p> <p>12 wasn't involved in that there. The rest of it, I</p> <p>13 think so.</p> <p>14 Q Okay. And is it your testimony that you</p> <p>15 think you saw this job description when you were</p> <p>16 first hired?</p> <p>17 A I don't remember, honestly. I just -- I</p> <p>18 find it interesting that they're calling students</p> <p>19 patients in this 'cause usually they don't, so I</p> <p>20 don't remember, honestly.</p> <p>21 Q You don't remember when you saw it?</p> <p>22 A Right.</p> <p>23 Q Okay. Is there anything that you feel was</p> <p>24 within your job duties and responsibilities when you</p> <p>25 were an occupational therapist at BOCES that's not</p>

<p style="text-align: right;">Page 62</p> <p>1 D. PERITZ</p> <p>2 included in here?</p> <p>3 MS. KALLUS: I think she has to review</p> <p>4 that.</p> <p>5 MS. LINEEN: And I told her she can take a</p> <p>6 look at that it.</p> <p>7 MS. KALLUS: Not take a look but actually</p> <p>8 read it.</p> <p>9 MS. LINEEN: Whatever you need.</p> <p>10 A I don't think so. I mean -- it doesn't</p> <p>11 specifically say BOCES, so again I would venture to</p> <p>12 say that an OT who worked under physician scripts,</p> <p>13 but I have never seen in any other -- like any</p> <p>14 district where they call students therapists -- I</p> <p>15 mean patients.</p> <p>16 Q But my question to you again is: Is there</p> <p>17 anything --</p> <p>18 A Yeah -- no, no -- yeah. That's basically</p> <p>19 what a therapist does.</p> <p>20 Q Okay, thank you. Now, were you a member</p> <p>21 of a union while you were employed by BOCES?</p> <p>22 A Yes.</p> <p>23 Q Do you know the name of the union?</p> <p>24 A No.</p> <p>25 Q Okay. Did you have -- hold any official</p>	<p style="text-align: right;">Page 63</p> <p>1 D. PERITZ</p> <p>2 title or position in that union?</p> <p>3 A No.</p> <p>4 Q Was there a contracted or a collective</p> <p>5 bargaining agreement that applied to the terms and</p> <p>6 conditions of your employment?</p> <p>7 A Yes.</p> <p>8 Q Did you ever see a copy of that?</p> <p>9 A Only after termination.</p> <p>10 Q Okay. When you were employed by New York</p> <p>11 City Board of Ed, were you a member of a union?</p> <p>12 A Yes.</p> <p>13 Q Okay. And did you have hold any --</p> <p>14 A No.</p> <p>15 Q Official title or position in that union?</p> <p>16 A No.</p> <p>17 Q For the 2014-'15 school year -- so for the</p> <p>18 remainder of the year -- well, actually not -- for</p> <p>19 the 2014-'15 year -- I know you started in March of</p> <p>20 2015, correct?</p> <p>21 A Right.</p> <p>22 Q Were you ever formally observed by anyone</p> <p>23 in that school year?</p> <p>24 A Yes.</p> <p>25 Q Okay. How many times?</p>
<p style="text-align: right;">Page 64</p> <p>1 D. PERITZ</p> <p>2 A Once.</p> <p>3 Q Okay. And by who?</p> <p>4 A Janet Weisel.</p> <p>5 Q Okay. Do you remember when it was?</p> <p>6 A In -- somewhere like May.</p> <p>7 Q Okay. And before that observation, did</p> <p>8 you have any sort of pre-observation conference or</p> <p>9 meeting with Janet?</p> <p>10 A No. She just phoned and said she needed</p> <p>11 to do two observations by the end the year and that</p> <p>12 it worked to do one on whatever date.</p> <p>13 Q Okay. And the date for the other one</p> <p>14 wasn't scheduled?</p> <p>15 A No. She was supposed to schedule it</p> <p>16 after.</p> <p>17 Q And during that phone call there was no</p> <p>18 discussion about what would be going on during the</p> <p>19 observation like some sort of therapy or anything?</p> <p>20 A Yes. There was -- she said not to worry</p> <p>21 about and the focus was on my interaction with the</p> <p>22 students not -- 'cause I was concerned because BOCES</p> <p>23 kids are unpredictable, so my concern was that if</p> <p>24 somebody observed me during a home care session I</p> <p>25 can almost only know what I'm going to -- how the</p>	<p style="text-align: right;">Page 65</p> <p>1 D. PERITZ</p> <p>2 kid is going respond because the reason kids are at</p> <p>3 BOCES is because they have significant issues.</p> <p>4 So she said no, no, no, don't worry</p> <p>5 about it. It's really about how you interact with</p> <p>6 the students, not necessarily how they respond, and</p> <p>7 that -- and that she had heard good things about me</p> <p>8 so I really shouldn't be worried.</p> <p>9 Q Okay. Did you record that phone call at</p> <p>10 all?</p> <p>11 A No.</p> <p>12 Q Did you make any notes or summaries or</p> <p>13 records of it?</p> <p>14 A Not that I know of, no.</p> <p>15 Q Did you follow up in email memorializing</p> <p>16 that conversation with Janet?</p> <p>17 A No.</p> <p>18 Q And in that conversation, was there any</p> <p>19 discussion on your behalf about what you were</p> <p>20 expecting to do during the session that was</p> <p>21 observed?</p> <p>22 A No. She just said is this time okay, and</p> <p>23 I looked and saw who I treated during that time, and</p> <p>24 honestly, the only reason I remember who it was is</p> <p>25 because he plays baseball on a team that my nephew</p>

<p style="text-align: right;">Page 66</p> <p>1 D. PERITZ</p> <p>2 played on; otherwise, I -- I don't remember the</p> <p>3 names of all of kids from two years ago or three</p> <p>4 years ago.</p> <p>5 Q Okay. So I'm going to ask you the name of</p> <p>6 the student that you were working with when you were</p> <p>7 observed, and for the record we'll only put initials</p> <p>8 for the student.</p> <p>9 A I was going say that because it needs to</p> <p>10 be confidential -- R.C.</p> <p>11 Q Okay. And before that observation, did</p> <p>12 you submit any sort of materials or anything in</p> <p>13 writing about what you planned to do during the</p> <p>14 session with Janet?</p> <p>15 A No.</p> <p>16 Q And how long was the observation?</p> <p>17 A A 30-minute session. It may have gone a</p> <p>18 little bit longer because he had a little bit of an</p> <p>19 outburst during the session.</p> <p>20 Q Why do you mean by an outburst?</p> <p>21 A We were working on -- he's sort of a</p> <p>22 jokester, and so we were working on his ability to</p> <p>23 button a sweater, and he decided all of a sudden to</p> <p>24 -- he was well aware I was being observed and it was</p> <p>25 explained that it was my observation and not his</p>	<p style="text-align: right;">Page 67</p> <p>1 D. PERITZ</p> <p>2 observation so he would be comfortable and so forth,</p> <p>3 and he took the sweater and threw it out the window</p> <p>4 and he felt immediately remorseful and asked if me</p> <p>5 could go get it, and so I turned to Janet and said</p> <p>6 "Can I do that" and she said "I don't know. You</p> <p>7 need to ask the office."</p> <p>8 So he said "please," and I thought it</p> <p>9 was actually important for him to get it because he</p> <p>10 did feel badly and it was a way for him to kind of</p> <p>11 make amends, and so we went to the office and Janet</p> <p>12 was surprised they said yes, go get the sweater. So</p> <p>13 we walked around the building and got the sweater</p> <p>14 and he continued to put it on and button it.</p> <p>15 Q Do you remember anything that occurred</p> <p>16 during that observation?</p> <p>17 A No, that was pretty significant.</p> <p>18 Q Now, was anyone else present during it</p> <p>19 other than you, Janet, and the student?</p> <p>20 A I don't remember if Leora was there or not</p> <p>21 to be honest you with you.</p> <p>22 Q Okay. Where did that take place?</p> <p>23 A In the OT office/therapy room at CCA.</p> <p>24 Q Okay. Other than what you've told me</p> <p>25 about your interactions with Janet during the</p>
<p style="text-align: right;">Page 68</p> <p>1 D. PERITZ</p> <p>2 observation, did you have any discussions or</p> <p>3 interactions with her?</p> <p>4 A After?</p> <p>5 Q During it. During it other than what</p> <p>6 you've already told me.</p> <p>7 A No.</p> <p>8 Q Now, did you get any feedback from Janet</p> <p>9 or had any discussion with Janet after the</p> <p>10 observation?</p> <p>11 A Yes.</p> <p>12 Q How soon off?</p> <p>13 A Right away. I brought the student back to</p> <p>14 his room and then we spoke about the observation</p> <p>15 right then.</p> <p>16 Q Okay. What was the substance of that</p> <p>17 discussion?</p> <p>18 A Well, I was really concerned because the</p> <p>19 kid had just dropped the sweater out the window and</p> <p>20 my concern was that that wasn't such a good thing,</p> <p>21 and so she assured me that that was not something</p> <p>22 that bothered her at all because -- again, that's</p> <p>23 why they're at BOCES, and that she was pleased at</p> <p>24 the interaction I had with the student, and that I</p> <p>25 was able to realize that he wanted to make amends</p>	<p style="text-align: right;">Page 69</p> <p>1 D. PERITZ</p> <p>2 and we went and got permission and went got the</p> <p>3 sweater, then worked on putting it on and buttoning</p> <p>4 it.</p> <p>5 So we kind of completed the activity</p> <p>6 so she thought it was a very good observation. It</p> <p>7 just didn't go perfectly smoothly, but I handled it</p> <p>8 well.</p> <p>9 Q That's what Janet said to you?</p> <p>10 A Yes.</p> <p>11 Q Is there anything that she said that you</p> <p>12 recall?</p> <p>13 A No.</p> <p>14 Q Okay. Do you know recall anything else</p> <p>15 that --</p> <p>16 A Yeah, one more thing. So she said -- she</p> <p>17 actually told me about an evaluation that she did on</p> <p>18 someone else that the kid took off his clothes</p> <p>19 during the observation and the therapist was freaked</p> <p>20 out, and she said that therapist wasn't doing the</p> <p>21 wrong thing.</p> <p>22 They were able to take instructional</p> <p>23 control and get the child to put back on the what he</p> <p>24 had taken off. And so the goal is how you interact</p> <p>25 with the kid, and then on her way out she said "I'll</p>

<p style="text-align: right;">Page 70</p> <p>1 D. PERITZ</p> <p>2 be calling you and we'll schedule the next</p> <p>3 evaluation. Don't worry. It's good."</p> <p>4 Q Did you record that conversation at all?</p> <p>5 A No, I don't recall people's conversations.</p> <p>6 Q Just yes or no.</p> <p>7 MS. KALLUS: You know, it's a very rude</p> <p>8 kind of question. In this world that we live</p> <p>9 in everyone is always taping, but you know,</p> <p>10 things may be true or false based on actual</p> <p>11 observation.</p> <p>12 MS. LINEEN: That's not a rude question.</p> <p>13 How is it a rude question? It's a perfectly</p> <p>14 normal question. "Did you record it?"</p> <p>15 You can think it's rude. It's evidence.</p> <p>16 So if she recorded it it would be evidence.</p> <p>17 I'm entitled to it. There's nothing rude about</p> <p>18 that question.</p> <p>19 MS. KALLUS: Okay. That's fine.</p> <p>20 A But would it be legal to record somebody?</p> <p>21 Q Yes, but I'm not here to answer legal</p> <p>22 questions for you, but yes, actually it is.</p> <p>23 MS. KALLUS: Isn't that shocking?</p> <p>24 A Without telling you?</p> <p>25 Q I'm not saying that I think it's</p>	<p style="text-align: right;">Page 71</p> <p>1 D. PERITZ</p> <p>2 appropriate when people do it, but...</p> <p>3 A Without telling people?</p> <p>4 MS. KALLUS: You don't need the consent of</p> <p>5 the other party, just so you know as your</p> <p>6 lawyer.</p> <p>7 A I never -- I want to say --</p> <p>8 THE WITNESS: So you can write that down?</p> <p>9 A I never thought I needed evidence to prove</p> <p>10 any of this while it was happening.</p> <p>11 Q Okay. My question was simply yes or no.</p> <p>12 So I'm going to ask you that question about multiple</p> <p>13 conversations you had, and again, it would be a yes</p> <p>14 or no.</p> <p>15 A There is no records of anything.</p> <p>16 Q Okay. I'm going to ask you anyway.</p> <p>17 A Okay.</p> <p>18 Q Where was this conversation that you had?</p> <p>19 A It was in the OT room treatment and office</p> <p>20 at CCA.</p> <p>21 Q The same place where you had done the</p> <p>22 observation?</p> <p>23 A Yes.</p> <p>24 Q Okay. So Jim Lackey came into the room</p> <p>25 and you had the conversation?</p>
<p style="text-align: right;">Page 72</p> <p>1 D. PERITZ</p> <p>2 A Right.</p> <p>3 Q Was anyone else present at that time?</p> <p>4 A Again, I don't remember if it was Leora's</p> <p>5 day and she was present. I somehow think not.</p> <p>6 Q Okay. Did you make any notes or summaries</p> <p>7 or records of that conversation?</p> <p>8 A No.</p> <p>9 Q Did you follow up in an email</p> <p>10 memorializing what was discussed with Janet or</p> <p>11 anyone else?</p> <p>12 A No. I probably -- well, I went to the</p> <p>13 office to get permission to get the sweater, so</p> <p>14 therefore, I mentioned it in the office, and I'm</p> <p>15 sure that afterwards I mentioned it to another</p> <p>16 therapist.</p> <p>17 Q Okay. When you say you're sure you</p> <p>18 mentioned "it" to another therapist, what's the "it"</p> <p>19 that you're referring go?</p> <p>20 A The kid dropping the sweater out the</p> <p>21 window.</p> <p>22 Q What I'm trying to figure out though is,</p> <p>23 did you make any notes, records, summaries, any sort</p> <p>24 of written memorialization, even an email to Janet</p> <p>25 memorializing what the two of you discussed</p>	<p style="text-align: right;">Page 73</p> <p>1 D. PERITZ</p> <p>2 following the observation where she provided</p> <p>3 feedback to you?</p> <p>4 A No.</p> <p>5 Q Okay. Did you actually receive any sort</p> <p>6 of written report or write-up of the observation?</p> <p>7 A Well that's open to interpretation. I</p> <p>8 don't remember. I thought I did, but it's not part</p> <p>9 -- it's not a "yes" or "no" thing. I thought I did.</p> <p>10 I was sure I did and you guys don't have to, but I</p> <p>11 know she sat there and took notes --</p> <p>12 Q Okay.</p> <p>13 A -- during the meeting.</p> <p>14 Q During the observation?</p> <p>15 A Yes.</p> <p>16 Q Okay. Did you ever get handed or</p> <p>17 forwarded or sent any sort of written write-up?</p> <p>18 A Again, I don't remember.</p> <p>19 Q Okay.</p> <p>20 A I thought yes.</p> <p>21 Q But you don't remember?</p> <p>22 A Well, I never doubted that I did until</p> <p>23 nobody could produce it.</p> <p>24 Q Okay. But --</p> <p>25 A I can't answer that. I'm not hedging you.</p>

<p style="text-align: right;">Page 74</p> <p>1 D. PERITZ</p> <p>2 I thought I did.</p> <p>3 Q What are you basing that thought on?</p> <p>4 A I thought it saw it. I thought I got</p> <p>5 something that I read.</p> <p>6 Q When did you think you got that?</p> <p>7 A After the evaluation.</p> <p>8 Q And how long after that?</p> <p>9 A A week.</p> <p>10 Q And how do you think you got it?</p> <p>11 A You know, the same way I thought somebody</p> <p>12 sent it to me in the office.</p> <p>13 Q Does your office --</p> <p>14 MS. LINEEN: A mail box?</p> <p>15 A Or maybe I had to go and get it and sign</p> <p>16 it, possibly.</p> <p>17 Q You don't know?</p> <p>18 A Again, I was a 100 percent sure, but</p> <p>19 remember, this is two years ago, and I was</p> <p>20 absolutely sure that I got it.</p> <p>21 (Telephonic interruption.)</p> <p>22 Q Do you need to take that?</p> <p>23 A I don't need to take it. It's a parent,</p> <p>24 though.</p> <p>25 Q If you need to take it that's fine.</p>	<p style="text-align: right;">Page 75</p> <p>1 D. PERITZ</p> <p>2 A I missed it already so it's okay.</p> <p>3 I was sure I got it but it can't be</p> <p>4 produced, so I'm starting to doubt my recollection.</p> <p>5 But I know she took notes. A 100 percent positive</p> <p>6 of that.</p> <p>7 Q Okay, okay. And in your normal practice</p> <p>8 while you are worked for BOCES, did you keep your</p> <p>9 own copies of observation reports or evaluations?</p> <p>10 A Yes, but again, I'm not hedging you. I</p> <p>11 just have to clarify. When -- but I didn't ever</p> <p>12 question that I would need anything and so I did</p> <p>13 keep copies of everything but then when I met with</p> <p>14 Bob, the union rep, and then I met with Mindy as an</p> <p>15 attorney I gave people things that were handed back</p> <p>16 to me. They made copies, et cetera, and I don't</p> <p>17 know -- I didn't mark them as B, C, and D. I should</p> <p>18 have.</p> <p>19 Q Right, understood. Okay. But you --</p> <p>20 before you handed anything to Bob --</p> <p>21 I just want to make sure I understand</p> <p>22 when you say "Bob" you're referring to your union</p> <p>23 representative?</p> <p>24 A Yes.</p> <p>25 Q And Mindy, your attorney -- before you</p>
<p style="text-align: right;">Page 76</p> <p>1 D. PERITZ</p> <p>2 handed anything to them, did you --</p> <p>3 A Make a copy before?</p> <p>4 Q No -- just.</p> <p>5 A I'm sorry.</p> <p>6 Q Did you keep copies of your own -- of the</p> <p>7 evaluations or any observations you received while</p> <p>8 you were at BOCES?</p> <p>9 A No. Before, no.</p> <p>10 Q Okay. So if you were handed an evaluation</p> <p>11 while you are worked at BOCES you wouldn't make a</p> <p>12 copy of your own?</p> <p>13 A No, that was my copy and I kept the copy.</p> <p>14 Q You kept that?</p> <p>15 A But when then when I handed it to people</p> <p>16 during this time period and they said here's back</p> <p>17 your papers, I did not -- I hadn't numbered them, so</p> <p>18 I assumed I got everything back but I may not have.</p> <p>19 Q Okay.</p> <p>20 A You know it happens. I know it happened</p> <p>21 to me when I'm xeroxing notes for home care, that</p> <p>22 you know, you put them through the machine and you</p> <p>23 think you get all the copies, and you don't actually</p> <p>24 get them all because the machine ate one or</p> <p>25 something -- or something happened.</p>	<p style="text-align: right;">Page 77</p> <p>1 D. PERITZ</p> <p>2 Q So let me ask you this: If you had</p> <p>3 received a written write-up of the observation that</p> <p>4 Ms. Weisel did in May 2015, where you were working</p> <p>5 with R. C. you would have maintained that,</p> <p>6 correct?</p> <p>7 A You're asking me the same question. I</p> <p>8 would have before I handed it to someone.</p> <p>9 Q That's my question. Right before you</p> <p>10 would have handed it to anyone you would have made</p> <p>11 changes to that written report?</p> <p>12 A Because it would have been given to me, so</p> <p>13 therefore, yes.</p> <p>14 Q Yes, okay. And so if you had a copy of</p> <p>15 that observation report would that have been</p> <p>16 something that you would have just given to Bob</p> <p>17 and/or your attorney?</p> <p>18 A Yes.</p> <p>19 Q Do you recall submitting any sort of</p> <p>20 written rebuttal or response to the observation that</p> <p>21 was done in May 2015?</p> <p>22 A No, because it was a positive one.</p> <p>23 Q Did you ever receive anything okay --</p> <p>24 withdrawn.</p> <p>25 Other than the -- actually --</p>

<p style="text-align: right;">Page 78</p> <p>1 D. PERITZ</p> <p>2 withdrawn.</p> <p>3 Is there anything else that you</p> <p>4 remember Janet conveying to you about the</p> <p>5 observation that you haven't told me about yet?</p> <p>6 A No.</p> <p>7 Q Did she give you any sort of actual</p> <p>8 rating, satisfactory, unsatisfactory, numbers or</p> <p>9 anything, or was it just the discussion you told me</p> <p>10 about?</p> <p>11 A Just the discussion but she said it was a</p> <p>12 good observation. Relax.</p> <p>13 Q Okay. Did you have any other formal</p> <p>14 observations that year?</p> <p>15 A No, besides the fact that I phoned her</p> <p>16 because she said I would. I did not.</p> <p>17 Q I understand you phoned her. Did you</p> <p>18 actually speak to her?</p> <p>19 A Yes.</p> <p>20 Q And what was the substance of that</p> <p>21 discussion?</p> <p>22 A I asked her when I would have the next</p> <p>23 evaluation because she had told me that I would and</p> <p>24 she said "Don't worry. We'll schedule it."</p> <p>25 Q Oh, okay. When was that phone call?</p>	<p style="text-align: right;">Page 79</p> <p>1 D. PERITZ</p> <p>2 A A couple of weeks after the discussion.</p> <p>3 Q Was it in June? Was it in May?</p> <p>4 A I don't remember the dates.</p> <p>5 Q And did you have any communication in that</p> <p>6 school year with Janet about another observation?</p> <p>7 A I'm not sure.</p> <p>8 Q Okay. Did you make any notes or records</p> <p>9 at the time that you called Janet and asked about an</p> <p>10 additional observation that year?</p> <p>11 A No.</p> <p>12 Q Do you receive -- other than an</p> <p>13 observation, did you receive an end-of-the-year</p> <p>14 summary evaluation for the '14-'15 school year?</p> <p>15 A Yes, I did.</p> <p>16 Q And did you physically receive a copy of</p> <p>17 that?</p> <p>18 A Yes.</p> <p>19 Q And prior to giving that to anyone, did</p> <p>20 you maintain that document?</p> <p>21 A Well, as I said, when I gave it to Mindy</p> <p>22 and/or Bob they made copies and handed it back to</p> <p>23 me, so yes, I do have a copy of that.</p> <p>24 Q Okay. But my question was really --</p> <p>25 A I didn't make the copy.</p>
<p style="text-align: right;">Page 80</p> <p>1 D. PERITZ</p> <p>2 Q Okay. That's not my question.</p> <p>3 A Okay. What is your question?</p> <p>4 Q Just listen to my question, please.</p> <p>5 When you were given the evaluation,</p> <p>6 you kept it, correct, before you handed it to anyone</p> <p>7 else?</p> <p>8 A Yes.</p> <p>9 Q Okay. Would that evaluation report -- was</p> <p>10 one of the documents that you provided to</p> <p>11 Bob Dreaper and/or your attorney?</p> <p>12 A Yes.</p> <p>13 Q Okay. And do you remember who completed</p> <p>14 the observation report?</p> <p>15 A Janet Weisel.</p> <p>16 Q Okay. Let's take a quick look at what was</p> <p>17 marked as Defendant's Exhibit A, Bates No. 53. Take</p> <p>18 a second look at it and let me know when you're</p> <p>19 ready for a question.</p> <p>20 A Yeah, that's it.</p> <p>21 Q Are you ready?</p> <p>22 A Yes.</p> <p>23 Q Is this the evaluation that you received</p> <p>24 at the conclusion of the 2014-'15 school year?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 81</p> <p>1 D. PERITZ</p> <p>2 Q Did you file any response or rebuttal to</p> <p>3 it?</p> <p>4 A No.</p> <p>5 Q During the 2014-'15 school year, did you</p> <p>6 have any sort of physical disability, conditions, or</p> <p>7 impairment?</p> <p>8 A No.</p> <p>9 Q Okay. During that school year, did you</p> <p>10 make any requests for any sort of accommodations to</p> <p>11 assist you with your position because of a physical</p> <p>12 limitation or impairment?</p> <p>13 A No.</p> <p>14 MS. KALLUS: I'm sorry, what year are we</p> <p>15 talking about?</p> <p>16 MS. LINEEN: '14-'15.</p> <p>17 Q Now, at any point after the discussion</p> <p>18 that you had with Janet prior to the taking the job</p> <p>19 at BOCES -- so we talked about what you discussed</p> <p>20 with Janet when she interviewed you. Other than</p> <p>21 that discussion, did you have any further</p> <p>22 communications with anyone at BOCES of any type</p> <p>23 regarding your probationary status? Whether it</p> <p>24 would become permanent at any time during the</p> <p>25 '14-'15 school year?</p>

<p style="text-align: right;">Page 82</p> <p>1 D. PERITZ</p> <p>2 A Any time?</p> <p>3 Q Yeah.</p> <p>4 A What do you mean? Like the orientation or</p> <p>5 --</p> <p>6 Q So what I'm trying to figure out is at any</p> <p>7 point during that '14-'15 school year, other than</p> <p>8 what you already told me about your conversation</p> <p>9 with Janet during the interview, did you have any</p> <p>10 discussions with anyone about the probationary</p> <p>11 status of your position and whether and when it</p> <p>12 would be become permanent?</p> <p>13 A No, not that I can recall.</p> <p>14 Q Did you work over the summer between the</p> <p>15 2014-'15 school year and '16?</p> <p>16 A Yes, I did.</p> <p>17 Q Did you work at BOCES?</p> <p>18 A Yes.</p> <p>19 Q And was that a separate position you had</p> <p>20 to be appointed for?</p> <p>21 A Yes.</p> <p>22 Q Okay. What was the position?</p> <p>23 A Occupational therapist.</p> <p>24 Q Was that for the summer program or --</p> <p>25 A Yeah, it was for a summer program. They</p>	<p style="text-align: right;">Page 83</p> <p>1 D. PERITZ</p> <p>2 asked if people are interested in doing it, and I</p> <p>3 said yes. I also did my own practice during that</p> <p>4 time as well.</p> <p>5 Q Right.</p> <p>6 A And so they asked me how many days, saying</p> <p>7 that I could do five if I wanted to, and I think I</p> <p>8 did three because of my own practice.</p> <p>9 Q Okay. So let me ask you this: You said</p> <p>10 they asked the people were interested in doing it?</p> <p>11 Who is "they"? Is there a specific person, or --</p> <p>12 A Probably --</p> <p>13 Q Was it a posting or --</p> <p>14 A No, not posting. There's no place for</p> <p>15 posting for therapists. I mean, there might be, but</p> <p>16 you don't go there in the adjunct building. Janet</p> <p>17 and -- I think we took -- you know what, Janet and</p> <p>18 the PT person probably asked, but I don't know</p> <p>19 remember details about it.</p> <p>20 Q Are you sure it was Janet and the PT</p> <p>21 person?</p> <p>22 A Yeah, yeah. There's nobody else. They're</p> <p>23 the people who assign and choose and so forth.</p> <p>24 Q And what was the name of the PT person?</p> <p>25 A I don't remember her name.</p>
<p style="text-align: right;">Page 84</p> <p>1 D. PERITZ</p> <p>2 Q Is it a female?</p> <p>3 A Yes. I obviously have limited dealings</p> <p>4 with her.</p> <p>5 Q And do you remember any conversation --</p> <p>6 any specific conversations with Janet or the PT</p> <p>7 person about the summer role?</p> <p>8 A Well, they just said it was a separate</p> <p>9 position and the pay was different. A lot of people</p> <p>10 don't do it because it's less money, but I would</p> <p>11 have most of the same case load that I had plus</p> <p>12 extra kids at CCA, and that's about it.</p> <p>13 Q Okay. Now, you know you said "they." Do</p> <p>14 you remember which one told you that?</p> <p>15 A Always Janet.</p> <p>16 Q Do you remember what the pay was?</p> <p>17 A No.</p> <p>18 Q Was it a per diem rate?</p> <p>19 A Per day? Is that per day?</p> <p>20 You know, I think it was hourly, but</p> <p>21 different. But I really --</p> <p>22 Q Okay. If you don't remember, that's fine.</p> <p>23 And you said you think you worked</p> <p>24 three days in role, correct?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 85</p> <p>1 D. PERITZ</p> <p>2 Q Was it -- did the -- that summer role --</p> <p>3 so from the end of the '14-'15 school year until</p> <p>4 right up the start of '15-'16 year?</p> <p>5 A No. Those things usually go like from</p> <p>6 July 5th to August 12th or -- I'm approximating the</p> <p>7 days but always like two weeks at the end of summer</p> <p>8 where everybody is off.</p> <p>9 Q Okay. Now, did you have a supervisor when</p> <p>10 you were in the summer role?</p> <p>11 A Again, only Janet.</p> <p>12 (Discussion held off the record.)</p> <p>13 A Good luck. Because the reason it took so</p> <p>14 long for me to get back to work is that it took that</p> <p>15 long for them to ever get any of the documents they</p> <p>16 tried to get.</p> <p>17 Q What are you talking about?</p> <p>18 A New York City Board of Ed bureaucracy. It</p> <p>19 takes a very long time.</p> <p>20 Q Oh, in terms of getting documents? Well,</p> <p>21 we'll work it out.</p> <p>22 A Okay.</p> <p>23 Q So getting back to the examination about</p> <p>24 this case. Exhibit A is front of you. Other than</p> <p>25 that document, as we sit here today, are you aware</p>

<p style="text-align: right;">Page 86</p> <p>1 D. PERITZ</p> <p>2 of any other written report or evaluations of your</p> <p>3 performance that you received in that school year?</p> <p>4 A Well, that goes back to the same question.</p> <p>5 I thought I did but nobody has it.</p> <p>6 Q Including you?</p> <p>7 A Including me.</p> <p>8 Q Okay.</p> <p>9 MS. KALLUS: And you've already set the</p> <p>10 record straight that you don't have the</p> <p>11 document and evaluation.</p> <p>12 MS. LINEEN: Well, I don't want to say I</p> <p>13 don't want to have that document. I don't</p> <p>14 think a document ever existed.</p> <p>15 MS. KALLUS: Okay. But you're not aware</p> <p>16 of such document in existence?</p> <p>17 MS. LINEEN: No, that's why I wanted to</p> <p>18 ask the client --</p> <p>19 MS. KALLUS: Well, that's fine.</p> <p>20 MS. LINEEN: -- what the basis for her</p> <p>21 statement that she believed one existed is, but</p> <p>22 I think we've gotten her testimony that she's</p> <p>23 not sure whether she actually got one, correct?</p> <p>24 A Well, I was 100 percent sure before nobody</p> <p>25 could --</p>	<p style="text-align: right;">Page 87</p> <p>1 D. PERITZ</p> <p>2 Q Okay. So let me ask you about that.</p> <p>3 What makes you 100 percent sure?</p> <p>4 A I thought I saw it.</p> <p>5 Q Anything other than you thought you saw</p> <p>6 it?</p> <p>7 A I am 100 percent sure that the notes that</p> <p>8 were sent do not include it and that they existed.</p> <p>9 That, I am 100 percent sure.</p> <p>10 Q I'm not asking about notes.</p> <p>11 A Yeah, but that's part of it.</p> <p>12 Q It's not. I'm asking about --</p> <p>13 A It is. I want to talk about the record</p> <p>14 too.</p> <p>15 Q Ms. Peritz, you have to answer my</p> <p>16 question. You don't get to tell me what my question</p> <p>17 is.</p> <p>18 A But honestly, your question can be</p> <p>19 misleading so again, call the judge.</p> <p>20 Q Ms. Peritz, you don't control this</p> <p>21 examination.</p> <p>22 A And --</p> <p>23 MS. KALLUS: You have to answer her</p> <p>24 question.</p> <p>25 Q My question to you as has been repeatedly</p>
<p style="text-align: right;">Page 88</p> <p>1 D. PERITZ</p> <p>2 was --</p> <p>3 A I thought it existed.</p> <p>4 Q Excuse me. Let me finish.</p> <p>5 A Okay, finish.</p> <p>6 Q Are you, as we sit here today, sure that</p> <p>7 you actually received a written write-up -- that you</p> <p>8 received one of your observation in May 2015?</p> <p>9 A It is the same answer I gave you over and</p> <p>10 over as of --</p> <p>11 Q It's a yes or a no, actually.</p> <p>12 A It's not because --</p> <p>13 MS. LINEEN: Counsel, can you speak to</p> <p>14 your client?</p> <p>15 A So okay. Then I'm 100 percent sure.</p> <p>16 Q Okay. So what makes you 100 percent sure?</p> <p>17 A 'Cause I remember seeing it.</p> <p>18 Q You remember seeing an actual written</p> <p>19 write-up handed to you?</p> <p>20 A Yes, I did.</p> <p>21 Q Well, what did you do it?</p> <p>22 A I thought it was in the papers that I gave</p> <p>23 to Bob and Mindy.</p> <p>24 Q And --</p> <p>25 A And the only reason I am doubting my</p>	<p style="text-align: right;">Page 89</p> <p>1 D. PERITZ</p> <p>2 recollection is that nobody has it.</p> <p>3 Q Okay. You don't have it?</p> <p>4 A I don't have it. I looked through</p> <p>5 everything, but there are other things that I don't</p> <p>6 have it because I gave them to people, and obviously</p> <p>7 I don't have all the copies. And I -- you know --</p> <p>8 and again --</p> <p>9 Q Look, there's no more question pending.</p> <p>10 A Okay, fine.</p> <p>11 Q All right. Now, let me ask you this: Did</p> <p>12 you ever -- when you got a written report or</p> <p>13 evaluation -- ever scan it to your computer?</p> <p>14 A No. I don't have a scanner.</p> <p>15 Q Did you ever -- now, when -- actually --</p> <p>16 withdrawn.</p> <p>17 Do you remember -- I may have asked</p> <p>18 you this but I'm going to ask you again, 'cause I</p> <p>19 think there's some confusion.</p> <p>20 Do you have any recollection as to</p> <p>21 how you received this report that you believe you</p> <p>22 received?</p> <p>23 A Again, I'm not sure because the way things</p> <p>24 were received were multiple ways. One way was in</p> <p>25 her office. One was you get a call from the</p>

<p style="text-align: right;">Page 90</p> <p>1 D. PERITZ</p> <p>2 secretary asking you to come and in the office and</p> <p>3 sign it. I actually did see this document. I had</p> <p>4 to go twice.</p> <p>5 Q Meaning, Exhibit A you're looking at?</p> <p>6 A Yes. And I guess those were the two ways.</p> <p>7 Q Okay. And do you remember what this</p> <p>8 report that you believe you received looked like?</p> <p>9 Was it a chart? Was it a narrative? Something</p> <p>10 else?</p> <p>11 A It was like -- you know, again a narrative</p> <p>12 with checks.</p> <p>13 Q And do you recall what the rating on it</p> <p>14 was?</p> <p>15 A Everything has always been satisfactory</p> <p>16 until the fall.</p> <p>17 Q So your testimony is that this report you</p> <p>18 think you received with a chart form of a rating of</p> <p>19 satisfactory?</p> <p>20 A Yeah -- well, just not a chart form; a</p> <p>21 narrative as well.</p> <p>22 Q But you think it was a form from the</p> <p>23 May 2015, observations that had a check mark that</p> <p>24 said satisfactory?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 91</p> <p>1 D. PERITZ</p> <p>2 Q And you don't have it?</p> <p>3 A No.</p> <p>4 Q After -- well, withdraw.</p> <p>5 Did you have observations in the</p> <p>6 '15-'16 school year? The next school year?</p> <p>7 A Yes.</p> <p>8 Q Who were those by?</p> <p>9 A Therapy were all by Janet Weisel.</p> <p>10 Q And how many did you have in the '15-'16</p> <p>11 school year?</p> <p>12 A I'm not sure if it was two or three.</p> <p>13 Q Okay. Now, when you had those</p> <p>14 observations in the '15-'16 school year did you see</p> <p>15 any written reports?</p> <p>16 A No, I did not.</p> <p>17 Q Okay. Now, did you work the entire summer</p> <p>18 session that we talked about?</p> <p>19 A So -- no. Do you want me to expand?</p> <p>20 Q Sure.</p> <p>21 A Okay. So I worked up until the last week.</p> <p>22 And the last week is when I woke up I think on the</p> <p>23 Monday morning and was in intense pain. I think I</p> <p>24 worked Tuesday, Wednesday, Thursday at BOCES, so</p> <p>25 when I was in so much pain I called -- well, do you</p>
<p style="text-align: right;">Page 92</p> <p>1 D. PERITZ</p> <p>2 want me to tell you all this?</p> <p>3 Q Let me stop you there.</p> <p>4 A Okay.</p> <p>5 Q And you said the last weeks. Would that</p> <p>6 have been the beginning of August?</p> <p>7 A I think it was the second week of August.</p> <p>8 Q Second week of August, okay. And prior to</p> <p>9 that, have you taken any leave during that summer</p> <p>10 session?</p> <p>11 A No.</p> <p>12 Q And you woke up in intense pain? What</p> <p>13 kind of pain? Where was it?</p> <p>14 A In my back and my leg and my hip.</p> <p>15 Q And prior to that had you had any injury</p> <p>16 or chronic condition with your back leg or hip?</p> <p>17 A During that summer session or ever in</p> <p>18 life?</p> <p>19 Q Ever.</p> <p>20 A Yes.</p> <p>21 Q Okay. Was it with all three or one of</p> <p>22 those areas of your body or some combination?</p> <p>23 A I think it was my back, really.</p> <p>24 Q And when did you first have issues with</p> <p>25 your back?</p>	<p style="text-align: right;">Page 93</p> <p>1 D. PERITZ</p> <p>2 A About five years before I herniated a</p> <p>3 disk.</p> <p>4 Q Okay. And did you receive any treatment?</p> <p>5 A I did.</p> <p>6 Q Who did you treat with?</p> <p>7 A Dr. Beer, B-E-E-R.</p> <p>8 Q Anyone else?</p> <p>9 A I probably saw an orthopedist.</p> <p>10 Q And at that time were you diagnosed with</p> <p>11 anything other than a herniated disc?</p> <p>12 A No.</p> <p>13 Q Was it one herniation or more than one?</p> <p>14 A I think it was two.</p> <p>15 Q Do you know -- were they in the lumbar?</p> <p>16 The thoracic?</p> <p>17 A The lumbar.</p> <p>18 Q And did you get prescribed any medication?</p> <p>19 A Physical therapy, and Dr. Beer did a</p> <p>20 series of three injections which is what they are</p> <p>21 supposed to do, but then he did a fourth because I</p> <p>22 needed one more.</p> <p>23 Q Okay. And after the fourth, was there any</p> <p>24 change in your condition?</p> <p>25 A Well, there was a change after the first.</p>

<p style="text-align: right;">Page 94</p> <p>1 D. PERITZ</p> <p>2 Q Okay.</p> <p>3 A And then after the second it got better</p> <p>4 and so forth, and then I had a little exacerbation</p> <p>5 because my mom was in the hospital and I was lifting</p> <p>6 her and sleeping in a chair, so that's why they did</p> <p>7 the fourth and one epidural and I -- knock on wood</p> <p>8 did not have pain for five years.</p> <p>9 Q Okay. And now, at that time --</p> <p>10 A Or I should clarify, I had achiness on</p> <p>11 occasions but nothing horrible.</p> <p>12 Q Debilitating?</p> <p>13 A Yes.</p> <p>14 Q Okay. In that -- how long would you say</p> <p>15 that period lasted when you first started</p> <p>16 experiencing the pain?</p> <p>17 A Back in --</p> <p>18 Q Yes.</p> <p>19 A Five years ago?</p> <p>20 Q Yes.</p> <p>21 A Or more than five years ago? It was</p> <p>22 bizarre, but it was a totally different experience</p> <p>23 than what happened later. I was putting laundry in</p> <p>24 the machine and I literally fell to the floor unable</p> <p>25 to move and what I learned in retrospect was my disk</p>	<p style="text-align: right;">Page 95</p> <p>1 D. PERITZ</p> <p>2 herniated.</p> <p>3 So I was in agony for about three</p> <p>4 hours and then I was in pain subsequent and needed</p> <p>5 the shots, but -- and PT, but I was, you know -- I</p> <p>6 was -- I had to -- but I was functional once the</p> <p>7 intense pain passed.</p> <p>8 Q Okay. Once the intense pain passed, were</p> <p>9 you given any limitations or restrictions by the</p> <p>10 doctor?</p> <p>11 A Back then she said -- yeah, to rest for a</p> <p>12 couple of weeks and do physical therapy and as it</p> <p>13 progressed then have epidurals and have an MRI.</p> <p>14 Q Right. Any anything else in terms of</p> <p>15 restrictions --</p> <p>16 A No.</p> <p>17 Q -- of things you shouldn't or couldn't do?</p> <p>18 A Once the two weeks -- no, I was okay.</p> <p>19 Q Were you working at that time?</p> <p>20 A I was in my own practice. It was before I</p> <p>21 went back to the DOE.</p> <p>22 Q So you weren't employed with any other</p> <p>23 employers? Just your own practice?</p> <p>24 A No -- yes, and I just took time off and</p> <p>25 made up with the various kids.</p>
<p style="text-align: right;">Page 96</p> <p>1 D. PERITZ</p> <p>2 Q Now, prior to waking up in intense pain</p> <p>3 that second week of August 2015, actually --</p> <p>4 withdrawn.</p> <p>5 Between the time that you started</p> <p>6 BOCES and until the time that you woke up in intense</p> <p>7 pain on that August date in 2015, did you have any</p> <p>8 issues with your back while you were working to</p> <p>9 BOCES for that period?</p> <p>10 A No.</p> <p>11 Q And had you done anything that triggered</p> <p>12 intense pain that you're aware of?</p> <p>13 A No.</p> <p>14 Q And I just want to make sure I understand</p> <p>15 your testimony. You think that was a Monday morning</p> <p>16 that you woke up in intense pain?</p> <p>17 A Yes.</p> <p>18 Q And am I correct that you think you worked</p> <p>19 the Tuesday, Wednesday, and Thursday after?</p> <p>20 A No, I did not work then. Those were my</p> <p>21 days to work.</p> <p>22 Q Okay. I just wanted to clarify that.</p> <p>23 A And those were the last days of the summer</p> <p>24 session.</p> <p>25 Q Okay. So the Thursday would have been the</p>	<p style="text-align: right;">Page 97</p> <p>1 D. PERITZ</p> <p>2 -- Friday of the week would have the last day,</p> <p>3 really?</p> <p>4 A Yes.</p> <p>5 Q But you don't work Fridays?</p> <p>6 A It's possible that my recollection is</p> <p>7 wrong and there was one more week following. I'm</p> <p>8 not sure.</p> <p>9 Q Okay. Well, let me ask you this: Did you</p> <p>10 ever go back to work a that summer session?</p> <p>11 A No, I did not.</p> <p>12 Q Okay. Did you -- that Monday morning you</p> <p>13 didn't report to work I assume, correct?</p> <p>14 A I didn't need to on Monday, but Tuesday --</p> <p>15 Q That was normal day you didn't work?</p> <p>16 A Right.</p> <p>17 Q That Monday did you have any contact with</p> <p>18 anyone from BOCES about your back?</p> <p>19 A No.</p> <p>20 Q For the pain -- intense pain?</p> <p>21 A No. I -- I expected it was going to be</p> <p>22 how it had been before; that it lasted three hours.</p> <p>23 I fully expected that it would, you know, subside</p> <p>24 and I would fine. I thought oh, my Gosh I herniated</p> <p>25 a disc. I don't know how but --</p>

<p style="text-align: right;">Page 98</p> <p>1 D. PERITZ</p> <p>2 Q So did you have any treatment that Monday?</p> <p>3 A Yeah. It was really bad pain so I called</p> <p>4 Dr. Beer's office and I had an appointment with him</p> <p>5 and we set up that if I still had the pain that I</p> <p>6 would have an epidural on Wednesday, and he ordered</p> <p>7 an MRI but because of insurance, et cetera. It</p> <p>8 couldn't be performed until after the epidural. He</p> <p>9 said he would do the epidural based on my previous</p> <p>10 condition and hopefully it would be okay.</p> <p>11 Q Okay. So did you go to work on that</p> <p>12 Tuesday? No, correct?</p> <p>13 A No, because it was worse by Tuesday.</p> <p>14 Q It was worse by Tuesday. And did you have</p> <p>15 any contact with anyone at BOCES about not coming in</p> <p>16 that day?</p> <p>17 A Yeah, I definitely called. I don't know</p> <p>18 who I spoke with.</p> <p>19 Q Okay. Do you remember what you said?</p> <p>20 A That I was not feeling well and I hoped --</p> <p>21 'cause I fully expected that I was going to be fine the</p> <p>22 next day, you know.</p> <p>23 Q Right. And you didn't go to work the day</p> <p>24 after that, the Wednesday?</p> <p>25 A No.</p>	<p style="text-align: right;">Page 99</p> <p>1 D. PERITZ</p> <p>2 Q And did you speak to anyone at BOCES that</p> <p>3 day?</p> <p>4 A Again, I would have done the same thing</p> <p>5 but I don't remember. If you weren't going you</p> <p>6 would phone the office.</p> <p>7 Q Right. I'm just asking if you have any</p> <p>8 specific recollection of any conversation or</p> <p>9 communication that day?</p> <p>10 A No.</p> <p>11 Q And what about that Thursday? Did you --</p> <p>12 A So by then, yeah, because then I called</p> <p>13 the CCA office -- I mean, I have been calling them</p> <p>14 all along, but then I asked Mr. Barrett, and I said</p> <p>15 I need to do my end of the year summaries and I am</p> <p>16 in a lot of pain and I can't --</p> <p>17 The CCA is a very -- you park in one</p> <p>18 space and it's a very long walk to get into the</p> <p>19 building and to get into the office. I mean, long</p> <p>20 if you're not able to walk, so at that point I said</p> <p>21 how can we work this out? I said is there a</p> <p>22 wheelchair on site? Because I can get somebody to</p> <p>23 bring me and do my work if there is, but I can't</p> <p>24 walk it.</p> <p>25 And so he said yeah, absolutely. No</p>
<p style="text-align: right;">Page 100</p> <p>1 D. PERITZ</p> <p>2 problem, you know, the nurse had a wheelchair. We</p> <p>3 can arrange to leave it at the front door for you.</p> <p>4 I'm so sorry you're feeling like that. I hope you</p> <p>5 feel better quickly, blah, blah, blah, and you know,</p> <p>6 touch base with Janet and let her know what's going</p> <p>7 on and that's fine. So I did.</p> <p>8 So I called Janet and she had</p> <p>9 significant issues with the concept of my coming to</p> <p>10 school unable to walk.</p> <p>11 Q Now, what do you mean she had significant</p> <p>12 issues?</p> <p>13 A She said she didn't think it was really</p> <p>14 okay.</p> <p>15 Q Did she tell you why?</p> <p>16 A She was surprised that it was okay. That</p> <p>17 she wasn't sure if it was safe, blah, blah.</p> <p>18 Q Now, let me stop you there. What was the</p> <p>19 "blah, blah, blah"?</p> <p>20 A Just that, you know, it wasn't necessarily</p> <p>21 permitted that I come to work in a wheelchair, but I</p> <p>22 wasn't really working -- that's what I said to her.</p> <p>23 I was just doing the end-of-the-year paperwork. I</p> <p>24 didn't expect to see students from a wheelchair.</p> <p>25 Q Did she say anything else about her</p>	<p style="text-align: right;">Page 101</p> <p>1 D. PERITZ</p> <p>2 concerns?</p> <p>3 A Just that. She said "Don't worry about</p> <p>4 the end-of-the-year paperwork. I can go to the</p> <p>5 office and do it for you. What I will do is call</p> <p>6 you from there and you can talk me through it," so I</p> <p>7 said okay.</p> <p>8 And I'm not sure if it was the next</p> <p>9 day or that day that she went to the office to my</p> <p>10 desk and did the paperwork. She called me and did</p> <p>11 that end-of-year paperwork.</p> <p>12 Q Okay. At any point that week did you</p> <p>13 contact anyone at human resources at BOCES?</p> <p>14 A No.</p> <p>15 Q And after that the conversation where she</p> <p>16 called and you talked her through the paperwork, did</p> <p>17 you have any further communications with Janet --</p> <p>18 A Yes.</p> <p>19 Q -- that summer?</p> <p>20 A Well, right then. She said that wanted to</p> <p>21 commend me because I was so organized and it made</p> <p>22 doing the end-of-the-year paperwork easier for her;</p> <p>23 that I had everything where it was supposed to be</p> <p>24 and laid out and so forth.</p> <p>25 Q And that was a phone call?</p>

<p style="text-align: right;">Page 102</p> <p>1 D. PERITZ</p> <p>2 A Yes.</p> <p>3 Q Did you tape or record that call?</p> <p>4 A No.</p> <p>5 Q Did you make any notes, records, summaries</p> <p>6 of it?</p> <p>7 A No. I could barely move, no.</p> <p>8 Q Did you send any further email to Janet</p> <p>9 memorializing your conversation or what had been</p> <p>10 done?</p> <p>11 A I could barely move.</p> <p>12 Q Okay. Now, did you have any further</p> <p>13 communications with Janet at all that summer prior</p> <p>14 to the start of the next school year?</p> <p>15 A Yes.</p> <p>16 Q Were they in person or over the phone or</p> <p>17 over email?</p> <p>18 A Over the phone.</p> <p>19 Q And how many times?</p> <p>20 A A couple.</p> <p>21 Q And do you remember how long it was after</p> <p>22 your conversation with her where you went over the</p> <p>23 paperwork until the next time you spoke to her next</p> <p>24 time?</p> <p>25 A Like a week before school was about to</p>	<p style="text-align: right;">Page 103</p> <p>1 D. PERITZ</p> <p>2 restart.</p> <p>3 Q Do you remember when school started that</p> <p>4 year?</p> <p>5 A September. Sometime after Labor Day.</p> <p>6 Q It was -- I was going ask you, was it</p> <p>7 before or after Labor Day.</p> <p>8 And what was the substance of your</p> <p>9 conversation then?</p> <p>10 A That I was doing better but I was -- I was</p> <p>11 majorly impaired because during the two weeks</p> <p>12 following my -- her doing the interview paperwork, I</p> <p>13 had three epidurals. I had MRIs, seen physicians,</p> <p>14 although some of them I couldn't get appointments</p> <p>15 like 'till school was starting, and I literally</p> <p>16 could not stand up on my own.</p> <p>17 Q Is this all information that you relayed</p> <p>18 to Janet in that call?</p> <p>19 A Yes. So I said I didn't know what was</p> <p>20 going to happen. And I hoped -- and I kept being</p> <p>21 assured by doctors that this was going to pass, but</p> <p>22 that at the time that I initially spoke with her I</p> <p>23 was really ill.</p> <p>24 Q At this time that you spoke with her --</p> <p>25 the conversation that we're talking about now -- had</p>
<p style="text-align: right;">Page 104</p> <p>1 D. PERITZ</p> <p>2 doctors given you any directive about whether or not</p> <p>3 you could return to work at the start of school</p> <p>4 year?</p> <p>5 A No. I kept being assured this was going</p> <p>6 pass, and you know, as I had this first epidural</p> <p>7 which didn't do anything. And the previous time I</p> <p>8 had done it, it did.</p> <p>9 Then it turns out that I had an MRI,</p> <p>10 and the MRI showed the spinal stenosis that I'm</p> <p>11 diagnosed with. So then I had the second epidural</p> <p>12 that did, in fact, help. And then I had a third,</p> <p>13 so -- but you have to have, like, you know, time in</p> <p>14 between each one, and even though I improved I was</p> <p>15 debilitated; I couldn't really --</p> <p>16 I mean, people were helping me to</p> <p>17 stand up. I had somebody bring me food and take --</p> <p>18 I literally -- I wasn't allowed to drive but my goal</p> <p>19 was to get back to work, so you know, I kept</p> <p>20 saying it to everybody "Am I going be okay? Am I</p> <p>21 going be okay," and they kept saying yes, but it's</p> <p>22 going to take time.</p> <p>23 Q Meaning your doctors?</p> <p>24 A Yes.</p> <p>25 Q So that phone conversation that you had</p>	<p style="text-align: right;">Page 105</p> <p>1 D. PERITZ</p> <p>2 with Janet -- did you tape record it?</p> <p>3 A No, I tape recorded none of anything.</p> <p>4 Q Did you make any notes or records or</p> <p>5 summaries of that call?</p> <p>6 A No.</p> <p>7 Q Did you follow up in writing --</p> <p>8 A No.</p> <p>9 Q -- in any way with Janet?</p> <p>10 A No.</p> <p>11 Q And then how soon after you that</p> <p>12 conversation was your next communication with Janet</p> <p>13 before the start of school year?</p> <p>14 A I guess, you know, it was -- I don't</p> <p>15 remember that, but it was right before school was</p> <p>16 going start.</p> <p>17 Q Meaning weeks or days or --</p> <p>18 A I think I kept putting it off because --</p> <p>19 because everybody kept saying -- the doctors kept</p> <p>20 saying "You're going get better, you're going to get</p> <p>21 better." So I probably -- and then at one point I</p> <p>22 called her and she wasn't well, but ultimately I</p> <p>23 spoke with her right before the Labor Day weekend.</p> <p>24 Q Over the phone?</p> <p>25 A Uh-huh.</p>

<p style="text-align: right;">Page 106</p> <p>1 D. PERITZ</p> <p>2 Q Yes?</p> <p>3 A Yes.</p> <p>4 Q And what was discussed in that call?</p> <p>5 A I said I was doing much better but I was</p> <p>6 really concerned about the walk to the CCA.</p> <p>7 I was concerned about whether I would</p> <p>8 be really able to do my job and that I was debating</p> <p>9 whether I should take a leave of absence or whether</p> <p>10 I could do it, but I was getting better and that</p> <p>11 maybe I would need to start a little bit later in</p> <p>12 the school year and just get myself back to being</p> <p>13 okay.</p> <p>14 Q Did Janet say anything during this</p> <p>15 conversation?</p> <p>16 A Yes, of course. She said that, you know,</p> <p>17 I shouldn't worry. I should try to speak to my</p> <p>18 doctor and get a letter of accommodation, but I did</p> <p>19 not know at that time what that meant, and she said</p> <p>20 the doctor would know. And that -- that we would be</p> <p>21 able to work it all out and I shouldn't worry.</p> <p>22 Q Okay.</p> <p>23 A Just get well.</p> <p>24 Q Okay. Did you report to school for the</p> <p>25 first day of school in that year?</p>	<p style="text-align: right;">Page 107</p> <p>1 D. PERITZ</p> <p>2 A No.</p> <p>3 Q How soon after the start of the school</p> <p>4 year until you reported to work?</p> <p>5 A I don't remember the dates but I think</p> <p>6 I -- whenever school was supposed to start I</p> <p>7 remember I had a doctor's appointment with either of</p> <p>8 hip specialist or the -- or the orthopedist, with</p> <p>9 both of them. But of course it was the end of the</p> <p>10 summer. People are on vacation, so you can't get in</p> <p>11 to anybody.</p> <p>12 Q Okay. But do you remember how many days</p> <p>13 until into the start of the school year that you</p> <p>14 first reported?</p> <p>15 A I want to say it was the second week but</p> <p>16 I'm not sure.</p> <p>17 Q Okay. In between the start of the school</p> <p>18 year and the time you reported it, did you speak to</p> <p>19 anyone in human resources?</p> <p>20 A No. Janet did it for me.</p> <p>21 Q Okay. Well, let me just stop you there.</p> <p>22 So it's a "no" to whether you personally spoke to</p> <p>23 anyone at human resources?</p> <p>24 A Right.</p> <p>25 Q Okay. During that same time, did you have</p>
<p style="text-align: right;">Page 108</p> <p>1 D. PERITZ</p> <p>2 any communication of any type with Janet?</p> <p>3 A Yes.</p> <p>4 Q Were they -- how many times would you say</p> <p>5 you communicated with her during that time period?</p> <p>6 A I don't know. Once or twice.</p> <p>7 Q And was it over the phone? In person? In</p> <p>8 email?</p> <p>9 A Everything was over the phone and it's not</p> <p>10 recorded or make notes or kept anything.</p> <p>11 Q Okay. So what was the substance of first</p> <p>12 conversation you had with her during the first time?</p> <p>13 A It was all about my returning and whether</p> <p>14 it would be all okay, and initially it was about the</p> <p>15 fact that my doctor was on vacation and I couldn't</p> <p>16 really get a letter saying what I could and couldn't</p> <p>17 do but that I would get it as soon as I got back and</p> <p>18 I had left a message about it.</p> <p>19 Q Okay. Did Janet say anything during that</p> <p>20 call?</p> <p>21 A She said that I needed to get that letter</p> <p>22 and then they would arrange a meeting and then after</p> <p>23 that I could come back.</p> <p>24 Q Did she ask you how you were feeling or</p> <p>25 expressed any concern about your condition?</p>	<p style="text-align: right;">Page 109</p> <p>1 D. PERITZ</p> <p>2 A Yes, I'm sure she did. I really don't</p> <p>3 remember exactly what she said, you know. She was</p> <p>4 very empathetic about that I wasn't feeling well.</p> <p>5 Q So then do you remember how long it was</p> <p>6 between that call and your next phone call with</p> <p>7 Janet?</p> <p>8 A I really don't.</p> <p>9 Q Okay. Do you remember the substance of</p> <p>10 next call?</p> <p>11 A The next call -- I had the letter from the</p> <p>12 doctor. I think he had faxed it to them or I just</p> <p>13 had it. I really don't remember and -- and so she</p> <p>14 was setting up a meeting at BOCES human resources to</p> <p>15 discuss the accommodations --</p> <p>16 Q Okay.</p> <p>17 A -- that I needed.</p> <p>18 Q Now, you said they had the letter. Did</p> <p>19 you see a copy of this letter before it went to</p> <p>20 BOCES?</p> <p>21 A Yeah -- well, I don't know if I saw it</p> <p>22 before.</p> <p>23 Q You saw it at some point?</p> <p>24 A I saw it.</p> <p>25 MS. LINEEN: Can I have that marked,</p>

Page 110

1 D. PERITZ

2 please.

3 (Whereupon, document, Defendant's Exhibit

4 F was marked for Identification.)

5 Q Okay. I'm going to ask you to take a look

6 at what was just marked Defendant's F. A letter

7 from the Long Island Spine and Rehabilitation

8 Medicine 8/31/2015, and it's Bates stamped DEF52.

9 Do you recognize this document?

10 A Yes.

11 Q Is this a copy of the doctor's note that

12 you were just referencing when you testified about

13 what was provided to BOCES?

14 A Yes.

15 Q Okay. Now, do you recall how that was

16 provided, whether it provided by you or directly by

17 the doctor?

18 A I really don't.

19 Q Okay. And you mentioned that they were

20 setting up a meeting. Did, in fact, a meeting occur

21 with human resources at BOCES?

22 A Yes.

23 Q Okay. And when the meeting occurred did

24 you attend that?

25 A Yes.

Page 112

1 D. PERITZ

2 you?

3 A I didn't. I asked about it, actually. I

4 said do I need -- like is this a big deal? And

5 Janet said "No, it's not a big deal," so I didn't

6 ask for anything else. And I didn't know anyone to

7 ask.

8 Q Now, at the time of this meeting, what

9 would you describe --

10 A Oh, I'm so sorry.

11 Q It's okay.

12 A So also on the phone there were two

13 principals. So there was the principal -- I was

14 assigned to two schools. One of them was CCA again,

15 so Chris Corelcheck -- good luck spelling it -- was

16 on one of the phones, and I think they were

17 together, actually, because CCA and Jerusalem school

18 share a building.

19 So they -- I think the other

20 principal went to Chris's office, and John Picarello

21 who I never met but had worked with Chris -- he was

22 also in Chris's office, so they were part of meeting

23 but on the phone.

24 Q So for the '15-'16 school year you had

25 been assigned to CCA and Rosemary Kennedy School?

Page 111

1 D. PERITZ

2 Q Okay. At the time of the meeting had you

3 yet returned to work?

4 A No.

5 Q And then at the time of meeting, had your

6 doctor, Dr. Beer, recommended or directed any sort

7 of other restrictions or limitations other than

8 what's referenced in Exhibit F?

9 A Well, I mean -- yeah, there were a -- you

10 now just be careful, don't pull, push, lift. You

11 know, you need to take it easy. This needs to heal,

12 so yes.

13 Q Okay. At the time of the meeting though,

14 was this the only doctor's letter that you had

15 submitted?

16 A Yes.

17 Q And who was present at that meeting?

18 A Who was?

19 Q Yes.

20 A I was, Janet Weisel was, Thelma Shelton,

21 who I only know her name because I saw a lot of

22 documents -- some document resource something but

23 also an attorney, and I think maybe someone else or

24 two other people, but --

25 Q Did you have a union representative with

Page 113

1 D. PERITZ

2 A Right.

3 Q At the time of the meeting, what was your

4 physical condition?

5 A I was better than I was or I couldn't have

6 stood up or walked where I walked, but I was

7 debilitated. I could not -- I was -- I was babying

8 myself because I didn't want to it to recur, and I

9 was not -- I had lost a lot of muscle strength

10 according to the doctor. I had also lost a

11 considerable amount of weight, because every time I

12 was in pain for --

13 Well, actually when I stood upright I

14 was in a lot of pain and then I would get nauseous

15 and I would throw up. So -- so I was -- but school

16 was starting and -- and -- and I was told that it

17 would be okay, they would accommodate me -- so I was

18 really trying to make it work.

19 Q Who told you that?

20 A Janet.

21 Q Okay. Was that before --

22 A And then at the meeting Selma and Janet.

23 Q So at the time of the meeting --

24 A And the principals actually at the meeting

25 said it will be okay.

<p style="text-align: right;">Page 114</p> <p>1 D. PERITZ</p> <p>2 Q Okay. At the time of the meeting though,</p> <p>3 was there anything you that physically could not do</p> <p>4 at all?</p> <p>5 A Yeah, lots of things. Well, of course, I</p> <p>6 couldn't lift, but also if you pushed me I fell. I</p> <p>7 mean, I was very --</p> <p>8 Q Anything else?</p> <p>9 A I was weak.</p> <p>10 Q Anything else that you physically couldn't</p> <p>11 do that you can identify?</p> <p>12 A Just -- I was walking short distances. I</p> <p>13 was walking slowly. I tried to not carry too much</p> <p>14 because I didn't want to because I felt -- I felt</p> <p>15 every movement I made.</p> <p>16 Q Okay. Now, is it correct that you were</p> <p>17 diagnosed with spinal stenosis by Dr. Beer?</p> <p>18 A I'm not sure if he made the diagnosis or</p> <p>19 the MRI made the diagnosis and -- but yeah, that is</p> <p>20 my diagnosis.</p> <p>21 Q And that was over my summer of 2015?</p> <p>22 A Yes.</p> <p>23 Q Have you ever been diagnosed with spinal</p> <p>24 stenosis before?</p> <p>25 A No.</p>	<p style="text-align: right;">Page 115</p> <p>1 D. PERITZ</p> <p>2 Q And other than disc herniation that you</p> <p>3 suffered prior -- years prior to that, had you ever</p> <p>4 been diagnosed with any degenerative back or spinal</p> <p>5 issue?</p> <p>6 A No.</p> <p>7 Q Okay.</p> <p>8 A I'm not sure disc herniation is</p> <p>9 degenerative. I don't know.</p> <p>10 Q Okay.</p> <p>11 MS. KALLUS: Don't come up with stuff you</p> <p>12 don't know. That's my advice to you.</p> <p>13 Q Were you taking any medications at the</p> <p>14 time of your meeting?</p> <p>15 A At the time of the meeting, no -- maybe</p> <p>16 Tylenol.</p> <p>17 Q Okay. And other than -- well, what was</p> <p>18 the sum and substance of the discussion at that</p> <p>19 meeting?</p> <p>20 A Just what my condition was and that the</p> <p>21 accommodation would be in place and I should not</p> <p>22 hesitate to speak with the principal if there was a</p> <p>23 problem and that it would all be okay.</p> <p>24 Q So okay. When you say "what my condition</p> <p>25 was," was that something they inquired about and you</p>
<p style="text-align: right;">Page 116</p> <p>1 D. PERITZ</p> <p>2 relayed to them?</p> <p>3 A Well, doesn't the letter -- oh -- don't.</p> <p>4 Yeah, I mean, I said I had spinal stenosis, and I</p> <p>5 was -- I had this horrible attack that I had never</p> <p>6 had before and so forth.</p> <p>7 Q Was there any discussion about how you</p> <p>8 condition affected you and your limitations?</p> <p>9 A Sure.</p> <p>10 Q And what was that information relayed by</p> <p>11 you?</p> <p>12 A Yes.</p> <p>13 Q What did you tell them?</p> <p>14 A Just what I already told you that I had</p> <p>15 woken up, you know. It was August and I couldn't</p> <p>16 move and I was in agony and that I then became very</p> <p>17 debilitated following that, but I was doing so much</p> <p>18 better by that point, and that I was assured that,</p> <p>19 you know, that despite the fact that at some point I</p> <p>20 will require surgery, that I was going be okay.</p> <p>21 Q That was what your doctors told you?</p> <p>22 A Uh-huh.</p> <p>23 Q I just want to make sure I understand.</p> <p>24 A Yup.</p> <p>25 Q So during the meeting -- I'm looking at</p>	<p style="text-align: right;">Page 117</p> <p>1 D. PERITZ</p> <p>2 Exhibit F -- your doctor, Dr. Beer, indicates that</p> <p>3 letter that you were prohibited from lifting more</p> <p>4 than ten pounds until further notice. Do you see in</p> <p>5 that?</p> <p>6 A Right.</p> <p>7 Q Was that discussed during the meeting?</p> <p>8 A Yes.</p> <p>9 Q And what was the substance of the</p> <p>10 discussion on than issue?</p> <p>11 A That it wouldn't be a problem.</p> <p>12 Q Who said that wouldn't be a problem?</p> <p>13 A I don't know.</p> <p>14 Q Okay. Now, was there any discussion about</p> <p>15 how they would make sure that wouldn't be a problem?</p> <p>16 A Did -- well, there wasn't that much to</p> <p>17 lift, and just I should ask for help if I need it.</p> <p>18 Q Did you agree to do so?</p> <p>19 A Yeah.</p> <p>20 Q Did you ask for any other specific forms</p> <p>21 of assistance or accommodations during that meeting?</p> <p>22 A No.</p> <p>23 Q Other than requesting some accommodations</p> <p>24 and not being able to lift more than ten pounds, did</p> <p>25 you express that there was anything else that you</p>

<p style="text-align: right;">Page 118</p> <p>1 D. PERITZ</p> <p>2 could not do or needed assistance with during that</p> <p>3 meeting?</p> <p>4 A No. I probably said about walking, you</p> <p>5 know, that it was challenging at this point, but no.</p> <p>6 Q Did you request any sort of assistance for</p> <p>7 walking --</p> <p>8 A No.</p> <p>9 Q -- or transversing the campuses you worked</p> <p>10 on?</p> <p>11 A In advance I had actually investigated</p> <p>12 somebody driving me but by then I was able to drive.</p> <p>13 Q Okay. But aside from that during the</p> <p>14 meeting, did you have any -- did you make any</p> <p>15 request or have any discussion about needing any</p> <p>16 sort of assistance to help you ambulate around the</p> <p>17 buildings?</p> <p>18 A No.</p> <p>19 Q Is there anything else that you recall</p> <p>20 being discussed during the meeting that you haven't</p> <p>21 told me?</p> <p>22 A No.</p> <p>23 Q Was there any discussion at that meeting</p> <p>24 about how --</p> <p>25 A Oh, they told me to stop in and meet</p>	<p style="text-align: right;">Page 119</p> <p>1 D. PERITZ</p> <p>2 John Picarello when I was in school --</p> <p>3 Q Okay.</p> <p>4 A -- 'cause I had never met him.</p> <p>5 Q Okay. Now, during that meeting was there</p> <p>6 any discussion about who would be advised of your</p> <p>7 condition and your need to avoid lifting more than</p> <p>8 ten pounds or your need to assistance with lifting?</p> <p>9 A No.</p> <p>10 Q Was there any discussion about whether you</p> <p>11 would share that information with people on an</p> <p>12 as-needed basis?</p> <p>13 A Not during that meeting, no.</p> <p>14 Q After -- well, let me ask you this first:</p> <p>15 Did you tape record that meeting?</p> <p>16 A No.</p> <p>17 Q Did you make any notes --</p> <p>18 A Somebody probably did.</p> <p>19 Q I'm asking whether you did.</p> <p>20 A I did not take notes. I didn't tape</p> <p>21 record it, anything.</p> <p>22 Q Did you made a summary of it?</p> <p>23 A No.</p> <p>24 Q Did you ever type anything summarizing --</p> <p>25 A I feel like making a joke and telling you</p>
<p style="text-align: right;">Page 120</p> <p>1 D. PERITZ</p> <p>2 I'm tape recording you, but no, I don't tape record</p> <p>3 --</p> <p>4 Q All right. Well, you're not here to make</p> <p>5 jokes. You're here to answer my questions.</p> <p>6 MS. KALLUS: You know what? You're way to</p> <p>7 too serious right now. I need a break.</p> <p>8 MS. LINEEN: Well, first I think I have a</p> <p>9 question I need to ask then you can take</p> <p>10 whatever break you need.</p> <p>11 Q During that meeting -- I know I asked you</p> <p>12 if you tape-recorded. Did you take make any notes,</p> <p>13 records, or summaries?</p> <p>14 A No.</p> <p>15 Q And did you memorialize what happened at</p> <p>16 that meeting in any writing that you drafted?</p> <p>17 A No.</p> <p>18 Q Okay. All right. If you need to take a</p> <p>19 break we can take whatever break you need.</p> <p>20 A Okay. And we're only into the beginning</p> <p>21 of the problem, so yeah -- I don't know -- yeah, I</p> <p>22 guess we should probably take half an hour -- I</p> <p>23 don't know how long do people take generally for</p> <p>24 lunch.</p> <p>25 Q It's whatever you need.</p>	<p style="text-align: right;">Page 121</p> <p>1 D. PERITZ</p> <p>2 THE WITNESS: So how long did you want?</p> <p>3 MS. LINEEN: Half an hour is fine.</p> <p>4 Whatever you guys need.</p> <p>5 (Whereupon, a recess was taken.)</p> <p>6 Q So before we took the break we were</p> <p>7 discussing a meeting that was had with a number of</p> <p>8 individuals to discuss --</p> <p>9 A -- accommodations.</p> <p>10 Q -- accommodations. Were you satisfied</p> <p>11 with the accommodations offered during that meeting?</p> <p>12 A Yeah.</p> <p>13 Q And did you return to work after that?</p> <p>14 A Yeah. So in the afternoon I was supposed</p> <p>15 to go I guess to see CCA and to pop up and meet</p> <p>16 John Picarello.</p> <p>17 Q And did you do that?</p> <p>18 A Uh-huh.</p> <p>19 Q I'm sorry. Was that a "yes"?</p> <p>20 A Yes.</p> <p>21 Q Sorry. It's okay. Did you have a</p> <p>22 discussion with Mr. Picarello at that time?</p> <p>23 A Not a discussion, but I just thanked him</p> <p>24 and said it was nice to meet him and so forth.</p> <p>25 Q Was there any discussion at all at the</p>

Page 122

1 D. PERITZ

2 time about your limitations or any accommodations or

3 assistance you were provided?

4 A No, because we had just had it at the

5 meeting and I hadn't met any of the kids at all or

6 anything.

7 Q Okay. So after that did you start

8 reporting to work on a normal basis?

9 A Yes.

10 Q Okay. And did you discuss the

11 accommodation that you would not be required to

12 lift -- was it more than ten pounds -- was that

13 implemented?

14 A Well, I don't know how it would be

15 implemented, but I didn't need to do that. So I

16 think when the doctor wrote it he was just thinking

17 --

18 Q Avoid this?

19 A -- avoid lifting, but he wasn't really

20 like thinking oh, my goodness -- like, I don't empty

21 boxes, you know.

22 Q Right. So let me ask you this: So after

23 that meeting that you had, were there any occasions

24 that you were required to lift more than ten pounds?

25 A So what happened was at CCA there -- I was

Page 124

1 D. PERITZ

2 staircase that separating the schools, so my first

3 day that I was going be there I went up there and I

4 went to take a child who was -- I don't know, eight

5 or something, but I'm guessing -- she was small but

6 not small small -- and I took her to treat I had I

7 walked into a couple of different places.

8 There were no places to treat, but I

9 knew that my office and my treatment room was

10 totally available, so I brought her down 'cause

11 Leora wasn't there that day and I had treated there

12 in the morning -- So it was afternoon -- so I

13 brought her to my office and worked with her there.

14 And so she didn't want to do

15 something that I gave her to do, and she pushed me.

16 And back then I -- as I previously said -- I was

17 very weak and so I couldn't stay totally upright and

18 I ended up hitting my lower back on the desk.

19 Q Okay.

20 A And I thought, oh, goodness, this is not

21 good and then I kind of got my bearings and I

22 finished the treatment being really careful and I

23 brought her back to her room. And I went downstairs

24 back to my office and I picked up the phone and

25 called Janet Weisel and I said, "This is not going

Page 123

1 D. PERITZ

2 already comfortable, I already knew the school,

3 everybody knew me, I knew what my caseload was going

4 to be and so forth, so I just started in, you know,

5 quickly read all the papers you needed to read and

6 started treating. At the Rosemary Kennedy School,

7 though, I had to make a schedule. I had to read the

8 documents. I had to meet the kids. I had to meet

9 the teachers, et cetera. Not necessarily in at that

10 order.

11 Q Okay. And --

12 A So I did all those required things, and

13 I'm not sure exactly when, but the very first day of

14 my treating there was an incident.

15 Q Okay. What was that incident?

16 A So nobody had told me first of all where

17 to treat. I was not -- when I was started at CCA

18 and then when I started at Jerusalem Avenue there

19 were people who kind of acclimated you with what and

20 where and how and so forth.

21 At Rosemary Academy I was handed a

22 caseload and was told there's the office. You can

23 go read their stuff, and I did and made a schedule.

24 And the first day I went -- and my schedule --

25 because there's literally -- there is a elevator or

Page 125

1 D. PERITZ

2 to work."

3 Q Okay. And did you tell her anything else?

4 A Yeah. I told her what happened. I said I

5 think I should think about reduced -- 'cause I was

6 three days at CCA, and I knew I could handle CCA

7 physically 'cause the kids are not --

8 First of all, it's a smaller

9 environment. They're higher functioning, and

10 they're older, so technically if they're older they

11 could be more forceful but on the other hand because

12 it's all one floor there's aides and there's help

13 and there's, you know, so forth, and most of the

14 kids are not aggressive.

15 In fact, if they are they get

16 transferred up or to a different building. So --

17 and I don't think this kid was very aggressive but

18 she pushed and I couldn't stand -- I couldn't

19 literally stand, so -- so I said to Janet, "I think

20 I need to either reduce to three days and just stay

21 at CCA or take a leave of absence. I'm not sure,

22 but this did not go well."

23 And so she said let her talk to

24 someone named Selina and let them figure it out and

25 it was going be okay. I shouldn't worry about it.

<p style="text-align: right;">Page 126</p> <p>1 D. PERITZ</p> <p>2 So she said "Go upstairs. Let's talk with Selina,"</p> <p>3 so I went upstairs and there was another situation</p> <p>4 because poor Selina -- it was her birthday and</p> <p>5 people had brought in food for her and she ate</p> <p>6 something she shouldn't have eaten and she has a</p> <p>7 head injury having gotten it at the school and all</p> <p>8 of a sudden she's talking to me and her eyes roll</p> <p>9 back in her head it and she falls to the floor into</p> <p>10 a grand mal seizure.</p> <p>11 And so I yelled for help. Nobody was</p> <p>12 around, and I went running into the hallway and</p> <p>13 running to -- like, yelling the whole way "Somebody</p> <p>14 is having a seizure, somebody is having a seizure."</p> <p>15 I saw a phone, I picked it up and dialed zero, and</p> <p>16 somehow people appeared -- thank God -- and they</p> <p>17 knew what it was.</p> <p>18 I didn't know she had seizures and</p> <p>19 here she is, an adult, and I didn't know anything of</p> <p>20 it. I made sure she was safe before I ran out, but</p> <p>21 I didn't know what was going on. So at that point</p> <p>22 the nurse came and the principal -- maybe the</p> <p>23 principal came, I don't remember.</p> <p>24 The nurse came and definitely some</p> <p>25 aides -- and -- and I didn't know her. I didn't</p>	<p style="text-align: right;">Page 127</p> <p>1 D. PERITZ</p> <p>2 know any of them. I felt very out of my element,</p> <p>3 like I was just standing there. And so ultimately I</p> <p>4 said "Okay. We'll talk about this another time."</p> <p>5 It was like the end of the week anyway, and I went</p> <p>6 downstairs and I called Janet, and I said I spoke to</p> <p>7 Selina but in the middle of our conversation she had</p> <p>8 a seizure and I called for help.</p> <p>9 I said I made sure people would help</p> <p>10 her, so people are with her but I don't know. So</p> <p>11 she said, "Don't worry. I'm going work to out." So</p> <p>12 I really trusted that and didn't worry about it.</p> <p>13 Q Well, let me stop you there. Did you</p> <p>14 follow up with human resources or contact anyone at</p> <p>15 human resources about the incident with the student</p> <p>16 pushing you?</p> <p>17 A No. I mentioned it to Janet but I did not</p> <p>18 mention it to anyone else.</p> <p>19 Q Other than what you told me during the</p> <p>20 conversation you had with Janet about it, did you</p> <p>21 ask for any specific accommodation or assistance?</p> <p>22 A No -- well, except I wanted -- I thought</p> <p>23 at that point I needed to a leave of absence or to</p> <p>24 reduce to three days and just stay at CCA.</p> <p>25 Q Did you ever submit anything to human</p>
<p style="text-align: right;">Page 128</p> <p>1 D. PERITZ</p> <p>2 resources about taking a leave of absence or</p> <p>3 reducing your time at CCA?</p> <p>4 A No, 'cause when I said it to Janet she</p> <p>5 assured me that I was jumping the gun and I was</p> <p>6 going to be okay, so I said okay. And you know, I</p> <p>7 went home and that's what I thought.</p> <p>8 Q Now, at that time that student -- the</p> <p>9 incident where the student pushed you -- had there</p> <p>10 been any plan for you have an aide accompany you</p> <p>11 during your day?</p> <p>12 A No.</p> <p>13 Q And had you requested anything like that</p> <p>14 up until that time?</p> <p>15 A No. I didn't know what to request. And I</p> <p>16 think that was part of the issue. I didn't know</p> <p>17 somebody was going to push -- look, I didn't -- I</p> <p>18 didn't anticipate --</p> <p>19 Q Okay.</p> <p>20 A -- that anything would happen that --</p> <p>21 when -- when the doctor said don't -- don't -- he</p> <p>22 didn't say push or pull, but he wrote "lift," and he</p> <p>23 just wanted me to be careful, like that was in my</p> <p>24 mind, and I think the reason he wrote honestly ten</p> <p>25 pounds was that I had specifically asked -- because</p>	<p style="text-align: right;">Page 129</p> <p>1 D. PERITZ</p> <p>2 I have a cat, can I bring the kitty litter home, or</p> <p>3 do I need to carry -- to get help. Like that was</p> <p>4 like how he said -- yeah, but it can't be more than</p> <p>5 ten pounds.</p> <p>6 Q Okay. Understood. Now, during the</p> <p>7 meeting you had with human resources prior to this</p> <p>8 incident with the student, was there any discussion</p> <p>9 in that meeting about needing any sort of assistance</p> <p>10 or accommodations in case students push you or</p> <p>11 physically engaged you?</p> <p>12 A No. They just said if you need help just</p> <p>13 let us know, and I let Janet know I had never met</p> <p>14 the principal except once. I felt really</p> <p>15 uncomfortable immediately going into the principal</p> <p>16 and saying -- and Janet assured me it was going to</p> <p>17 be okay, so really, when I left there I thought</p> <p>18 okay, we're going to somehow figure this out and I</p> <p>19 didn't think about it anymore.</p> <p>20 Q Okay. But I was focusing on the meeting</p> <p>21 that you had with HR. Was there any discussion in</p> <p>22 that meeting before this incident about needing any</p> <p>23 sort of assistance or accommodations in case</p> <p>24 students engaged with you physically?</p> <p>25 A No.</p>

<p style="text-align: right;">Page 130</p> <p>1 D. PERITZ</p> <p>2 Q Okay. Was it really about lifting in that</p> <p>3 meeting?</p> <p>4 A Yeah, I think so. I mean, that's what</p> <p>5 they wrote. They said be careful. If you need more</p> <p>6 help let us know.</p> <p>7 MS. KALLUS: Who?</p> <p>8 THE WITNESS: Selina Shelton.</p> <p>9 A She said if you need -- if we need to</p> <p>10 readdress this, we'll readdress this.</p> <p>11 Q Okay.</p> <p>12 A She was -- I thought honestly she was</p> <p>13 really really nice, and it was fine.</p> <p>14 Q Okay. Now, did you ever bring about this</p> <p>15 incident with the student to the attention of anyone</p> <p>16 at human resource and request additional</p> <p>17 accommodations or assistance?</p> <p>18 A No. I trusted that Janet was going to,</p> <p>19 you know, help. Remember, I didn't know --</p> <p>20 Q It's a "yes" or "no."</p> <p>21 A No.</p> <p>22 Q Okay. Did you have any further</p> <p>23 discussions with Janet about that incident after</p> <p>24 what you already told me?</p> <p>25 A The following week, yes.</p>	<p style="text-align: right;">Page 131</p> <p>1 D. PERITZ</p> <p>2 Q Okay. Was it in person or over the phone?</p> <p>3 A Over the phone.</p> <p>4 Q What was the substance of the</p> <p>5 conversation?</p> <p>6 A So the following week she told me to go</p> <p>7 and see Selina, that she had spoken to her over the</p> <p>8 weekend, and that they were going to assign a</p> <p>9 caseload to me that they thought I could physically</p> <p>10 manage.</p> <p>11 Q Okay. Did you go see Selina?</p> <p>12 A Yes.</p> <p>13 Q Was that was an in person --</p> <p>14 A Yes.</p> <p>15 Q -- interaction?</p> <p>16 A Just upstairs.</p> <p>17 Q What was the substance of your discussion</p> <p>18 then?</p> <p>19 A So she said that she had redone the</p> <p>20 caseload and that hopefully it was going to be okay,</p> <p>21 and that, you know, she didn't realize that I had</p> <p>22 any physical issues before, and I asked her how she</p> <p>23 was, et cetera, and that was that.</p> <p>24 Q Did you have any substantive discussion</p> <p>25 about your physical condition or limitation with</p>
<p style="text-align: right;">Page 132</p> <p>1 D. PERITZ</p> <p>2 Selina?</p> <p>3 A I think I probably said that I have a back</p> <p>4 issue and, you know, I was -- had an exacerbation</p> <p>5 over the end of the summer, and at some point during</p> <p>6 the year I should be fine but right now I'm not.</p> <p>7 Q Okay. And during that conversation, did</p> <p>8 you request anything else of Selina or the school?</p> <p>9 A No.</p> <p>10 Q Or any accommodation or assistance?</p> <p>11 A No.</p> <p>12 Q Were there any incidents after that where</p> <p>13 you either were pushed or pulled or physically</p> <p>14 engaged by a student?</p> <p>15 A Yes, but I wasn't alone. But you know,</p> <p>16 the kids in Rosemary Academy are somewhat aggressive</p> <p>17 or just low functioning, so as you walk down the</p> <p>18 hallway holding their hands they had yank you -- and</p> <p>19 so I try to just -- 'cause I -- at that point I was</p> <p>20 just aware that this wasn't okay for me and that I</p> <p>21 needed to be careful.</p> <p>22 Q Okay.</p> <p>23 A But that's all. And then I actually spoke</p> <p>24 to my doctor and he said really try just not to</p> <p>25 be -- we don't want you to lose your balance, we</p>	<p style="text-align: right;">Page 133</p> <p>1 D. PERITZ</p> <p>2 don't want you to lose your balance, so just, you</p> <p>3 know, be careful. So -- and he said only you can</p> <p>4 know what that means.</p> <p>5 Q Let me ask you this: After the meeting</p> <p>6 you had with human resources that we talked about,</p> <p>7 were there any incidents where you found yourself in</p> <p>8 the position where you had to lift more than ten</p> <p>9 pounds?</p> <p>10 A Yes, so kids would -- again, at Rosemary</p> <p>11 Academy kids would drop to the floor, and I mean --</p> <p>12 but, you know, when that happened they were all --</p> <p>13 'cause it was in a hallway so it wasn't like alone</p> <p>14 so there was always somebody -- I heard later that</p> <p>15 people just thought I wasn't really nice person</p> <p>16 because I didn't go to help anybody off the floor.</p> <p>17 Q So you didn't actually have to lift</p> <p>18 anyone?</p> <p>19 A Well, I didn't do it. If I had been -- if</p> <p>20 it had been now despite the fact that I'm careful</p> <p>21 and I have a condition, I would have gone to help</p> <p>22 but I couldn't. I knew I couldn't.</p> <p>23 Q All right. What I'm trying to figure out</p> <p>24 is you didn't actually lift --</p> <p>25 A No.</p>

<p style="text-align: right;">Page 134</p> <p>1 D. PERITZ</p> <p>2 Q -- any student or anything more than ten</p> <p>3 pounds after that meeting at Rosemary Kennedy?</p> <p>4 A No.</p> <p>5 Q So in those occasions if a student would</p> <p>6 drop to the floor, did you just request that someone</p> <p>7 else assist with it, or --</p> <p>8 A Yeah. I mean, I need help.</p> <p>9 Q Okay. And I'm sorry -- that was a "yes"?</p> <p>10 A Yes, I need help I would say.</p> <p>11 Q And then did someone else assist or come</p> <p>12 deal with it?</p> <p>13 A Yeah.</p> <p>14 Q Okay.</p> <p>15 A But usually more than -- you know, again,</p> <p>16 these kids aren't little, so it's not just one</p> <p>17 person doing it.</p> <p>18 Q Okay. Understood. Now, I know you said</p> <p>19 you talked to doctor about being careful, and he</p> <p>20 said only you can determine. Did you have any --</p> <p>21 did you ever go to human resources at any other time</p> <p>22 and said look, I need to be careful or I'm -- I need</p> <p>23 more assistance or accommodation?</p> <p>24 A At some point we had a meeting -- another</p> <p>25 meeting at this time over the phone. I didn't go</p>	<p style="text-align: right;">Page 135</p> <p>1 D. PERITZ</p> <p>2 there. I don't remember honestly what precipitated</p> <p>3 it, but -- but it was a phone meeting.</p> <p>4 It was done maybe -- it was done</p> <p>5 after complaints had started. I'm not sure -- but I</p> <p>6 know they had to rush to have it because Janet was</p> <p>7 going to go be away and they wanted her part of it.</p> <p>8 Q Okay. What was discussed?</p> <p>9 A That -- that's when the second letter of</p> <p>10 accommodation came up 'cause the doctor had to write</p> <p>11 another letter saying that I shouldn't push or pull</p> <p>12 in addition.</p> <p>13 Q That was from your doctor?</p> <p>14 A Yes.</p> <p>15 MS. LINEEN: Can I have that marked.</p> <p>16 (Whereupon, document, Defendant's</p> <p>17 Exhibit G was marked for Identification.)</p> <p>18 Q Let me ask you to take a look at what has</p> <p>19 been marked Defendant's Exhibit G. A October 7th,</p> <p>20 2015 letter of from Dr. Beer.</p> <p>21 Let me know when you've had a second</p> <p>22 to look at it (handing).</p> <p>23 A Yup.</p> <p>24 Q Do you recognize this document?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 136</p> <p>1 D. PERITZ</p> <p>2 Q Is it this -- you mentioned a second</p> <p>3 letter of accommodation. Is this the letter you</p> <p>4 were referring to?</p> <p>5 A Yes.</p> <p>6 Q Now, do you know if this was provided to</p> <p>7 BOCES?</p> <p>8 A No.</p> <p>9 Q Okay. And was this letter -- and the</p> <p>10 directive -- the directives from your doctor</p> <p>11 discussed during this conversation that you had with</p> <p>12 human resources that we were just talking about?</p> <p>13 A They needed the letter in order to have</p> <p>14 the conversation, yes.</p> <p>15 Q And did you discuss the letter during the</p> <p>16 conversation?</p> <p>17 A Yes.</p> <p>18 Q And would you remember the substance of</p> <p>19 discussion at that time?</p> <p>20 A They said that they needed to amend the</p> <p>21 accommodations, and that hopefully -- that only I</p> <p>22 would know what is really safe or not safe, or you</p> <p>23 know -- but that I should let them know if I needed</p> <p>24 more accommodations.</p> <p>25 Q So let me just back up. Who was involved</p>	<p style="text-align: right;">Page 137</p> <p>1 D. PERITZ</p> <p>2 in this conversation?</p> <p>3 A It was on the phone. I was in my office</p> <p>4 at CCA. I think it was like a -- you know, Janet</p> <p>5 and Selma. I know at that point they tried to get</p> <p>6 the union guy but he wasn't there that day, and</p> <p>7 again, they needed to have it because Janet was</p> <p>8 going to be away and I don't know if anyone else was</p> <p>9 on the phone. You know, it was a phone meeting so</p> <p>10 honestly I don't remember.</p> <p>11 Q And were there any questions posed to you</p> <p>12 about your physical condition or limitations at that</p> <p>13 time?</p> <p>14 A No. They already knew what my condition</p> <p>15 was, and so -- no.</p> <p>16 Q Okay. Was there any discussion about what</p> <p>17 your concerns were?</p> <p>18 A Probably, but I don't remember. You know,</p> <p>19 I don't remember details of like what else we</p> <p>20 discussed.</p> <p>21 Q Was there any discussion about what would</p> <p>22 be done to assist you or to help you in this</p> <p>23 situation?</p> <p>24 A Again, just, you know, ask for help.</p> <p>25 Don't do more than, you know, you feel is safe and</p>

<p style="text-align: right;">Page 138</p> <p>1 D. PERITZ</p> <p>2 so forth.</p> <p>3 Q Okay. Did you request anything</p> <p>4 specifically?</p> <p>5 A No.</p> <p>6 Q Okay. I mean this.</p> <p>7 A When you say "this" -- not specifics.</p> <p>8 Q So you didn't request any specific devices</p> <p>9 or assistance or --</p> <p>10 A There is not really a device to help with</p> <p>11 it, so no, and -- and, I mean, therapists don't get</p> <p>12 one-to-one assistance, so I know that, so I didn't</p> <p>13 ask for that. You know, and I think I said although</p> <p>14 I can't guarantee it -- I think I said what I said</p> <p>15 to Janet and, you know, I'm wondering -- even though</p> <p>16 at this point I was getting better, but then I was</p> <p>17 really wondering if I should be taking a leave; that</p> <p>18 it's maybe too much.</p> <p>19 Q Okay. So let me just ask you though: Do</p> <p>20 you know for a fact whether you said it or not?</p> <p>21 A I know I said it to Janet. Whether I said</p> <p>22 it to Selma, I don't.</p> <p>23 Q Okay. And what I'm trying to figure</p> <p>24 out -- what was the actual agreed-upon course of</p> <p>25 action going forward or plan going forward?</p>	<p style="text-align: right;">Page 139</p> <p>1 D. PERITZ</p> <p>2 A Just this -- just that, you know, that I</p> <p>3 shouldn't let kids push or pull me and that they</p> <p>4 would give me a place to treat. They really</p> <p>5 didn't -- and that they already had redone my</p> <p>6 caseload, which didn't necessarily, you know -- it</p> <p>7 was -- as I said it was a young girl who originally</p> <p>8 did it.</p> <p>9 There was no talk about let's just</p> <p>10 keep you at CCA or at Jerusalem Avenue because at</p> <p>11 that point everybody was positioned.</p> <p>12 Q Okay. Now, in that conversation, was</p> <p>13 there any discussion about how you wouldn't let</p> <p>14 students push or pull or what you would do to avoid</p> <p>15 that?</p> <p>16 A Well, no. I didn't ask and they didn't</p> <p>17 ask, but I assumed I'm not going to, you know, hold</p> <p>18 somebody.</p> <p>19 Q Okay.</p> <p>20 A Or if I feel -- you know, I did hold hands</p> <p>21 but I felt someone yanking away that unless I felt</p> <p>22 it was really unsafe I wasn't going to -- I mean,</p> <p>23 for the kid -- I was going to not going try to</p> <p>24 resist.</p> <p>25 Q And that was agreed upon in the</p>
<p style="text-align: right;">Page 140</p> <p>1 D. PERITZ</p> <p>2 discussion?</p> <p>3 A Uh-huh.</p> <p>4 Q Yes?</p> <p>5 A Yes. Sorry.</p> <p>6 Q It's all right. Everyone does it. And</p> <p>7 you don't recall requesting anything else any other</p> <p>8 specific --</p> <p>9 A No.</p> <p>10 Q -- accommodations, assistance --</p> <p>11 A No.</p> <p>12 Q -- action, anything, during that meeting?</p> <p>13 A No.</p> <p>14 Q Okay. Did you tape or record that?</p> <p>15 A No.</p> <p>16 Q Did you make any notes, records, or</p> <p>17 summaries?</p> <p>18 A No, but the next time I have this sort of</p> <p>19 problem I will remember this and do that -- no.</p> <p>20 Q Did you make any notes or records of it?</p> <p>21 A No. But Selma followed it up in the email</p> <p>22 --</p> <p>23 Q Okay.</p> <p>24 A -- and I have that.</p> <p>25 Q Okay.</p>	<p style="text-align: right;">Page 141</p> <p>1 D. PERITZ</p> <p>2 A Because I must have printed it out at some</p> <p>3 point before I left BOCES, and you guys all have it.</p> <p>4 Q Now, at any point after that</p> <p>5 conversation -- it was a phone conversation, right?</p> <p>6 A Yes.</p> <p>7 Q And at any point after that conversation,</p> <p>8 did you have any issues where you were forced to</p> <p>9 lift anything more than ten pounds --</p> <p>10 A No.</p> <p>11 Q -- while you were at BOCES?</p> <p>12 A No.</p> <p>13 Q Or any issues where you were pushed or</p> <p>14 pulled --</p> <p>15 A Yes.</p> <p>16 Q -- by a student?</p> <p>17 A Yes.</p> <p>18 Q And what did you do in those</p> <p>19 circumstances?</p> <p>20 A I dropped the kid's hand. Again, it was</p> <p>21 always in the hallway where other people around and</p> <p>22 I just tried to make it honestly as non-eventful and</p> <p>23 not obvious as possible.</p> <p>24 Q Did you request assistance from anyone</p> <p>25 else during those times?</p>

<p style="text-align: right;">Page 142</p> <p>1 D. PERITZ</p> <p>2 A No. I almost always -- I almost always</p> <p>3 had an aide with me for the more difficult kids</p> <p>4 because they have one-to-ones, so no.</p> <p>5 There was one room I think -- 109 or</p> <p>6 something where there was more difficulty, and at</p> <p>7 one point I had said I need help, and honestly --</p> <p>8 but I didn't get more specific than that and an aide</p> <p>9 helped me, but then there was another time that I</p> <p>10 was told there's really nobody to help you.</p> <p>11 Q Well, let me back up a little bit. The</p> <p>12 room -- 109 you mentioned. What do you mean by</p> <p>13 there was more difficulty?</p> <p>14 A The kids were new to the school, and</p> <p>15 more -- you know, just that's -- that's the room</p> <p>16 where the kid had pushed me and they just, you know,</p> <p>17 they weren't into the routine yet, so it was hard</p> <p>18 for them.</p> <p>19 Q You said you needed help. Who did you say</p> <p>20 that to?</p> <p>21 A Probably the teacher. The teacher.</p> <p>22 Q And who was that?</p> <p>23 A I have no the idea.</p> <p>24 Q Okay. And your testimony is you didn't</p> <p>25 get more specific than "I need help"?</p>	<p style="text-align: right;">Page 143</p> <p>1 D. PERITZ</p> <p>2 A No.</p> <p>3 Q Did you tell her what you needed help</p> <p>4 with?</p> <p>5 A You know, so and so is difficult to get to</p> <p>6 the therapy room.</p> <p>7 Q Did you tell her you needed help because</p> <p>8 --</p> <p>9 A No.</p> <p>10 Q -- of a physical condition or anything?</p> <p>11 A No.</p> <p>12 Q No?</p> <p>13 A No.</p> <p>14 Q Did you request any sort of specific help</p> <p>15 when you asked the teacher?</p> <p>16 A Just help to walk the child into the</p> <p>17 therapy room.</p> <p>18 Q And did you get that help?</p> <p>19 A As I said, one of the times, yes. Another</p> <p>20 time, no.</p> <p>21 Q What happened on the time that you didn't</p> <p>22 get help? Who did you make a request to?</p> <p>23 A The same teacher, but it was just about</p> <p>24 whether there was a child -- an extra body there who</p> <p>25 could help me or not because there weren't always.</p>
<p style="text-align: right;">Page 144</p> <p>1 D. PERITZ</p> <p>2 Q Did you ever raise that issue with the</p> <p>3 principal?</p> <p>4 A No.</p> <p>5 Q Okay. Did you ever tell HR about that</p> <p>6 issue?</p> <p>7 A No.</p> <p>8 Q Okay. Did any time -- you didn't ever go</p> <p>9 to any of the principals of either CCA and</p> <p>10 Rosemary Kennedy that you were at, correct?</p> <p>11 A Right. I didn't have any problems at CCA.</p> <p>12 Q Okay.</p> <p>13 A As for Rosemary Kennedy, no, I didn't go</p> <p>14 back to him. I wanted us to resolve it between us,</p> <p>15 because honestly as I said later, I felt like a</p> <p>16 tattletale.</p> <p>17 Q Okay. So I just want to understand this.</p> <p>18 You said you want us to resolve it through us. Who</p> <p>19 --</p> <p>20 A Through -- I mean in the classroom with</p> <p>21 the teacher if I asked for help. I just didn't</p> <p>22 think it was a big deal to say can somebody help me</p> <p>23 get the kid to the room. And honestly, in Jerusalem</p> <p>24 Avenue School where I had been the year before, you</p> <p>25 always had help to do those things.</p>	<p style="text-align: right;">Page 145</p> <p>1 D. PERITZ</p> <p>2 Q Okay. But you didn't go to the principal</p> <p>3 --</p> <p>4 A No.</p> <p>5 Q -- of Rosemary Kennedy and say I've asked</p> <p>6 for help and they're not giving it to me --</p> <p>7 A No.</p> <p>8 Q -- or anything to that effect?</p> <p>9 A Well, I did get help. I just didn't get</p> <p>10 it one of the times. I only asked a couple of</p> <p>11 times.</p> <p>12 Q Okay.</p> <p>13 A And it was one of the times, and it wasn't</p> <p>14 like they said no, we don't want to help you. They</p> <p>15 said there's nobody here to help you.</p> <p>16 Q Okay. But did you ever raised that with</p> <p>17 the principal?</p> <p>18 A No.</p> <p>19 Q And did you ever raise that issue with HR,</p> <p>20 human resources?</p> <p>21 A No.</p> <p>22 Q Were there any other times you feel you</p> <p>23 needed assistance or requested assistance that you</p> <p>24 weren't provided it?</p> <p>25 A No.</p>

<p style="text-align: right;">Page 146</p> <p>1 D. PERITZ</p> <p>2 Q The phone conversation that you had with</p> <p>3 human resources after your second doctor's note --</p> <p>4 were you satisfied with the agreement that was made</p> <p>5 arrangements made pursuant --</p> <p>6 A Yes.</p> <p>7 Q -- to that conversation?</p> <p>8 A Yes.</p> <p>9 Q Did you have any other communications with</p> <p>10 human resources after that about physical</p> <p>11 limitations or your condition or a need to have</p> <p>12 additional support or accommodations?</p> <p>13 A Well, as I said, she followed it up with</p> <p>14 an email which I got, and I wrote back "thank you."</p> <p>15 Q Okay. Anything other than that?</p> <p>16 A No, not at that point. Not until they</p> <p>17 were, you know, bringing me on charges and so forth.</p> <p>18 No.</p> <p>19 Q Okay. To your knowledge, were you</p> <p>20 actually brought up with any disciplinary charges by</p> <p>21 BOCES?</p> <p>22 A Well, we had a disciplinary meeting and I</p> <p>23 think you have a letter to that effect.</p> <p>24 Q Okay. Prior to that meeting, let's say,</p> <p>25 did you have any further communications with anyone</p>	<p style="text-align: right;">Page 147</p> <p>1 D. PERITZ</p> <p>2 in human resources --</p> <p>3 A No.</p> <p>4 Q -- about a need of additional assistance</p> <p>5 or accommodations or support?</p> <p>6 A No.</p> <p>7 Q During the phone conversation that you had</p> <p>8 with human resources after the second doctor's note,</p> <p>9 was there any discussion sharing information with</p> <p>10 other staff in the buildings with regard to your</p> <p>11 condition and your need for assistance?</p> <p>12 A No. There was only that discussion after</p> <p>13 the disciplinary meeting.</p> <p>14 Q And is it your testimony that during that</p> <p>15 meeting during -- during that phone conversation,</p> <p>16 you never said you would share with the other staff</p> <p>17 in the buildings that you worked in --</p> <p>18 A Yes.</p> <p>19 Q -- about your condition and what you</p> <p>20 needed?</p> <p>21 A Yes.</p> <p>22 Q So you didn't have that conversation</p> <p>23 during the phone call?</p> <p>24 A No.</p> <p>25 Q I just want to clarify, because my</p>
<p style="text-align: right;">Page 148</p> <p>1 D. PERITZ</p> <p>2 question may have been confusing.</p> <p>3 Now, after you had that first meeting</p> <p>4 in September with human resources after the first</p> <p>5 doctor's note, is there anything that you feel</p> <p>6 wasn't implemented that was agreed upon in that</p> <p>7 meeting?</p> <p>8 A No. I just felt, like, later that</p> <p>9 principals don't know the day-to-day reality, so</p> <p>10 there is not always an extra aide.</p> <p>11 There's not -- I mean, you know, had</p> <p>12 we really wanted me not to push or pull or lift or</p> <p>13 so forth, I needed the one-to-one, not the kids,</p> <p>14 because -- again, only in that school.</p> <p>15 Q Okay.</p> <p>16 A In the other school --</p> <p>17 Q In Rosemary Academy?</p> <p>18 A Right. In the other school -- in CCA</p> <p>19 there are people in the hallway. There's movement</p> <p>20 and I guess maybe also the OT area is more centrally</p> <p>21 located. I'm not sure if that's why.</p> <p>22 But there -- there was one incident</p> <p>23 where a kid acted out and ended up, like, dropping</p> <p>24 on the floor but there were a million -- not a</p> <p>25 million but there were several people and it wasn't</p>	<p style="text-align: right;">Page 149</p> <p>1 D. PERITZ</p> <p>2 necessarily my kid, but I was one of them -- like,</p> <p>3 one who was saying well, what can we do and there</p> <p>4 was the principal who came and the AP and there are</p> <p>5 people sitting at desks and there's a lot more</p> <p>6 support somehow --</p> <p>7 Q Right.</p> <p>8 A -- than at Rosemary Kennedy.</p> <p>9 Q Okay. Did you ever actually request a</p> <p>10 one-to-one aide?</p> <p>11 A No, because therapists don't -- it's not</p> <p>12 something I've ever heard of so, no.</p> <p>13 Q After that phone conversation you had with</p> <p>14 human resources and Janet after the second doctor's</p> <p>15 note, is there anything that you feel like was</p> <p>16 agreed upon in that conversation or was represented</p> <p>17 would be done that you feel like wasn't done or</p> <p>18 implemented?</p> <p>19 A No.</p> <p>20 Q Now, are there any specific requests that</p> <p>21 you made for a specific form of assistance or</p> <p>22 accommodation or method of dealing with something at</p> <p>23 that you feel like was denied?</p> <p>24 A No.</p> <p>25 Q Now, during the 2015 -- oh, wait.</p>

<p style="text-align: right;">Page 150</p> <p>1 D. PERITZ</p> <p>2 Actually, let me just back up. The incident where</p> <p>3 you were pushed by the student and your back hit --</p> <p>4 it was a desk, right?</p> <p>5 A Yes.</p> <p>6 Q Did you go get any medical treatment for</p> <p>7 that?</p> <p>8 A No, no. I didn't need it. I was just,</p> <p>9 you know -- I was sore and it spooked me, but it</p> <p>10 wasn't like I needed to rush to the doctor. I</p> <p>11 wasn't bleeding or -- you know.</p> <p>12 Q Did you file any workers' comp claim or</p> <p>13 anything?</p> <p>14 A No.</p> <p>15 Q Was it a "no"?</p> <p>16 A No.</p> <p>17 Q Did you complete any sort of incident or</p> <p>18 accident report for that incident?</p> <p>19 A I only did one incident report but I don't</p> <p>20 think it was then. I think there was another</p> <p>21 something. I honestly don't remember the details</p> <p>22 but by then I was working upstairs more, and people</p> <p>23 knew me and they said you really need to document</p> <p>24 that so I did.</p> <p>25 But again, I wasn't injured. It was</p>	<p style="text-align: right;">Page 151</p> <p>1 D. PERITZ</p> <p>2 more just like put in writing -- oh, I think a kid</p> <p>3 hit me on the head and somebody wanted me to like --</p> <p>4 just going to the nurse and make a report and -- but</p> <p>5 I was and if they had not asked me to do it I</p> <p>6 wouldn't have done that.</p> <p>7 Q Now, during the -- I may have asked you</p> <p>8 this earlier in reference to a few things but --</p> <p>9 Actually, before I move on let me</p> <p>10 address one or two things and then hopefully I can</p> <p>11 move a little quicker through some stuff.</p> <p>12 MS. LINEEN: I'll do the multiple-paged</p> <p>13 one. And H, and the other one as I.</p> <p>14 Q I'm going to you ask you to take a look</p> <p>15 first at what was marked as Exhibit T, an email</p> <p>16 chain. The first email starts on October 13th,</p> <p>17 2015, and it's Bates stamped DEF75 through 77.</p> <p>18 A Right, but the emails actually start, I</p> <p>19 guess, on September 11th.</p> <p>20 Q Right, right. We'll go through that. The</p> <p>21 top email on the page just for identification</p> <p>22 purposes.</p> <p>23 A Right got it.</p> <p>24 Q Okay. So let's go back to the last page,</p> <p>25 Page 3. The page that's marked DEF77.</p>
<p style="text-align: right;">Page 152</p> <p>1 D. PERITZ</p> <p>2 A Uh-huh.</p> <p>3 Q That email -- there's an email there from</p> <p>4 Selma Shelton to you with a number of CCs; do you</p> <p>5 see that?</p> <p>6 A Uh-huh.</p> <p>7 Q Yes?</p> <p>8 A Yes.</p> <p>9 Q Sorry. And did you receive that email</p> <p>10 from Ms. Shelton?</p> <p>11 A Yeah, I think so. Yes.</p> <p>12 Q And was this email an accurate summary or</p> <p>13 memorialization of the meeting that you had with the</p> <p>14 HR?</p> <p>15 A Well, not the meeting. The phone</p> <p>16 conference, right?</p> <p>17 Q This is a September email so I think this</p> <p>18 may have been --</p> <p>19 A Hold on.</p> <p>20 Q If you need a second, that's fine.</p> <p>21 A Yes, okay. Yes.</p> <p>22 Q Do you need to hear the question again or</p> <p>23 is your answer "yes"?</p> <p>24 A Is it accurate? Yes.</p> <p>25 Q I just want to make sure. Okay.</p>	<p style="text-align: right;">Page 153</p> <p>1 D. PERITZ</p> <p>2 And then on the bottom of the second</p> <p>3 page going into the top of the third page there's an</p> <p>4 email from you dated October 8th, 2015; do you see</p> <p>5 that?</p> <p>6 A Yes.</p> <p>7 Q And you indicate that you faxed an updated</p> <p>8 request for accommodation from your doctor?</p> <p>9 A Right.</p> <p>10 Q I just want to make sure. Is that the</p> <p>11 October 7th letter that we looked at earlier?</p> <p>12 A Yes.</p> <p>13 Q Okay.</p> <p>14 A 'Cause there were only two letters.</p> <p>15 Q Okay. Yeah, I just want to make sure I</p> <p>16 have everything.</p> <p>17 I have had some difficulties and some</p> <p>18 misunderstandings at RKS," when you write that are</p> <p>19 you referencing the incidents that we already</p> <p>20 discussed today.</p> <p>21 A No.</p> <p>22 Q Okay. What else are you referencing</p> <p>23 there?</p> <p>24 A Okay. So I received a letter -- I guess I</p> <p>25 was called to the office and received a letter at</p>

<p style="text-align: right;">Page 154</p> <p>1 D. PERITZ</p> <p>2 RKS saying -- and you should have it -- saying that</p> <p>3 they wanted to have a disciplinary meeting.</p> <p>4 It was signed by Bonnie Heller who I</p> <p>5 had no clue who she was, and at the time I had no</p> <p>6 clue what it was about, so that -- and then they</p> <p>7 directed me to contact Bob Dreaper who I also had no</p> <p>8 clue who he was. So when I got it I kind of -- my</p> <p>9 heart pounded and I went -- I said who is</p> <p>10 Bonnie Heller, and somebody said she's the principal</p> <p>11 and I said I thought that was John Picarello and</p> <p>12 they said she's the principal of the lower school.</p> <p>13 I didn't know there was a lower</p> <p>14 school, so I said where can I find her, 'cause I</p> <p>15 didn't realize that it was such a big deal and I</p> <p>16 went and stood outside of her door 'cause somebody</p> <p>17 directed me to where it was, but the door was open</p> <p>18 but nobody was in there.</p> <p>19 And then she came back and when I saw</p> <p>20 her walking into the office I said excuse me, are</p> <p>21 you Bonnie Heller, and she said yes, and I said I</p> <p>22 was Diane Peritz. And I said I got this and I</p> <p>23 really have no clue what this is and why I got it.</p> <p>24 And I said could you explain it to me and she said</p> <p>25 I'm not permitted to speak with you, so I went okay.</p>	<p style="text-align: right;">Page 155</p> <p>1 D. PERITZ</p> <p>2 Is -- is there a phone I can use</p> <p>3 that's a confidential area 'cause I want to call my</p> <p>4 supervisor; I'm really confused. And again in CCA I</p> <p>5 have an office with a phone and so forth but I was</p> <p>6 at RKS and there is a big room. I didn't want other</p> <p>7 people to hear my conversation, so she said you can</p> <p>8 use my room.</p> <p>9 So I called Janet and I got her and I</p> <p>10 said I just got this letter, What is this? What is</p> <p>11 it about? And she said I'm not permitted to speak</p> <p>12 with you. So she said call Bob Dreaper and she gave</p> <p>13 me his phone number, 'cause again, I didn't know who</p> <p>14 he was at all.</p> <p>15 And so I did call him and I don't</p> <p>16 remember if we spoke then or if he phoned me back,</p> <p>17 but I went back to work and then at some point I did</p> <p>18 speak with him before the meeting. And then at that</p> <p>19 point when I asked for the updated letter from</p> <p>20 Dr. Beer what had already become clear to me was</p> <p>21 that -- from that meeting that Bonnie Heller had no</p> <p>22 clue that I had a condition and that nobody except</p> <p>23 John Picarello and Janet Weisel and I guess Selma</p> <p>24 and Dr. Scara -- who I don't know quite know who he</p> <p>25 is, but I do remember what he looks like -- and the</p>
<p style="text-align: right;">Page 156</p> <p>1 D. PERITZ</p> <p>2 CCA Chris Corelcheck knew that there was anything</p> <p>3 going on, so it wasn't -- so, like, this meeting</p> <p>4 that was about to happen --</p> <p>5 I mean, I later figured out that I</p> <p>6 knew who Bonnie was from a previous interaction that</p> <p>7 had nothing to do about school, and she might</p> <p>8 remember me from that -- but other than that I had</p> <p>9 no idea and didn't know -- what remains in my mind</p> <p>10 is she didn't know, okay, but Janet was the</p> <p>11 constant, so when this was all was starting to</p> <p>12 happen why didn't Janet say to Bonnie, wait a</p> <p>13 minute, like maybe you should speak to</p> <p>14 John Picarello to maybe like we all need a meeting</p> <p>15 or, you know, like we all need to clarify some</p> <p>16 things, but I didn't know that there that was</p> <p>17 someone or why wasn't she part of that initial</p> <p>18 meeting where John was if I was going to be assigned</p> <p>19 kids in her school too.</p> <p>20 You know, you can only -- I couldn't</p> <p>21 have been proactive 'cause I didn't know she</p> <p>22 existed, and that's why I wrote -- that's why it</p> <p>23 says on here -- you asked that we included her in</p> <p>24 and someone else too -- oh, Bob Dreaper because --</p> <p>25 because by then I knew I was having a meeting and</p>	<p style="text-align: right;">Page 157</p> <p>1 D. PERITZ</p> <p>2 that my hope was that this letter of accommodation</p> <p>3 was going explain everything away and it was all</p> <p>4 going to be fine and that's of course not what</p> <p>5 happened, but that was my hope.</p> <p>6 Q So your hope was -- when you're</p> <p>7 referencing the letter of accommodation, you mean</p> <p>8 the October 7th letter?</p> <p>9 A Yes.</p> <p>10 Q Okay. And we'll get back to that meeting</p> <p>11 that you had in a second.</p> <p>12 A Okay.</p> <p>13 Q But -- so on Page 2 of Exhibit H, there's</p> <p>14 a October 9th, 2015, 10:53 a.m. email from you to</p> <p>15 Selma?</p> <p>16 A Yes.</p> <p>17 Q Do you see that?</p> <p>18 A Uh-huh.</p> <p>19 Q And in that email you reference how do</p> <p>20 people find out what the accommodations are?</p> <p>21 A Right.</p> <p>22 Q Do you see that?</p> <p>23 A Yes.</p> <p>24 Q So was that actually discussed in the</p> <p>25 phone conversation that you had?</p>

Page 158

1 D. PERITZ

2 A Obviously, it wasn't discussed before

3 this, but it was discussed at some point, because

4 what she said to me -- but I don't know how you

5 would know that. I wouldn't know that in advance,

6 is that because it was my own private situation. No

7 one told anybody, including the aids or -- or

8 Bonnie Heller, because it was up to me to do that.

9 MS. KALLUS: That's what you thought?

10 THE WITNESS: Yeah, that's what I was

11 told. But I didn't do that because I didn't

12 know it was something I should be doing.

13 Q Well, in the first meeting you had, was

14 there any discussion about you conveying to other

15 people --

16 A No.

17 Q -- what your needs were, that you needed

18 assistance at specific time as you saw fit?

19 A No. They just said to speak with John if

20 there was a problem.

21 Q Okay. And from what I recall, you didn't

22 speak to John at any time about a problem, did you?

23 A I think after this part I did, but no.

24 Q But up until that --

25 A I did not.

Page 160

1 D. PERITZ

2 Q Now, during the phone conversation that

3 you had after the second doctor's note --

4 A Uh-huh.

5 Q -- did you agree that you would share

6 information with your colleagues regarding your

7 condition; need for assistance?

8 A That's what it says? If it says that I

9 probably said okay.

10 Q Okay.

11 A I didn't know I was supposed to but if I

12 need to I will.

13 Q Well, let me ask you. If you can look on

14 the first page into the second page, there's an

15 October 9th, 2015, email from Selma to you, and

16 there's a number of CCs; do you see that?

17 A Yes.

18 Q Okay. Now, is that email an accurate

19 summary or memorialization of what was discussed

20 during that phone conversation that you had after

21 the second doctor's note?

22 A Yes.

23 Q Okay.

24 A And after that point I did say it, and

25 that's when this particular aide apologized.

Page 159

1 D. PERITZ

2 Q And when you say "this part," you mean

3 after the phone conversation that you had after the

4 second doctor's note?

5 A Yeah, because I didn't know -- I thought

6 when I walked down the hall with a child if I

7 dropped the child's hand, I didn't know that anybody

8 was going to be looking at that strangely, because

9 people don't always hold hands.

10 It turns out that what I now know

11 happened was one of the aides who was in 109 said

12 that it looked like I didn't like the kids, so I

13 didn't want to touch them but that wasn't the case.

14 She didn't say it to me. You know people talk to

15 each other, and presumably she said it to Bonnie who

16 didn't know there was a accommodation, so --

17 Q Do you know who the aide is?

18 A I don't know her name but I can pick it up

19 out. She later apologized to me, actually, but it

20 was all too late. The movement was happening. It

21 was too late.

22 Q Had you ever discussed with that aide that

23 you had any sort of physical limitations or that you

24 needed any sort of assistance?

25 A Not in advance.

Page 161

1 D. PERITZ

2 Q Okay.

3 A But again, this was after the meeting

4 where they said that there were complaints about me,

5 and so honestly at that point it was all kind of

6 after the fact.

7 Q Okay. Let me ask you to take a look at

8 the email above that one of October 12th, 2015; do

9 you see that? It's from you to Selma with a couple

10 of CCs.

11 A Right.

12 Q In that email you write "Thank you all for

13 your understanding and consideration with my current

14 medical needs."

15 A Yes.

16 Q Do you see that?

17 A So that must have been after -- after the

18 disciplinary meeting, and they asked me to get -- I

19 mean, honestly I can I tell you the way I'm making

20 the decision is if you look back at any emails from

21 before, Bonnie Heller's name wasn't on them because

22 I didn't know she existed.

23 So it's only after that meeting that

24 I started including her and asking. Otherwise, I

25 wouldn't be able to answer your question as to what

<p style="text-align: right;">Page 162</p> <p>1 D. PERITZ</p> <p>2 happened when.</p> <p>3 Q Okay. Well, I don't think that was my</p> <p>4 question at all.</p> <p>5 A Okay.</p> <p>6 Q My question is -- was: Originally, did</p> <p>7 you see that email that I was referencing there?</p> <p>8 A Yeah.</p> <p>9 Q Okay. So at that time that you wrote that</p> <p>10 email, were you appreciative of their understanding</p> <p>11 --</p> <p>12 A Yes.</p> <p>13 Q -- and consideration of your needs?</p> <p>14 A Yes, of course. I was also trying to be</p> <p>15 politically correct, of course, but yeah.</p> <p>16 Q Okay. Now, please look at Exhibit A for</p> <p>17 me which is right here (indicating.)</p> <p>18 A Which one? All of them?</p> <p>19 Q I just want to give you a second to look</p> <p>20 at it. So now if you could look down at the email</p> <p>21 on the bottom page -- on the bottom of the page,</p> <p>22 October 13th, 2015 from you to John Picarello.</p> <p>23 A Yes.</p> <p>24 Q In that email you said "I'm thinking I</p> <p>25 might need assistance with this child, just with the</p>	<p style="text-align: right;">Page 163</p> <p>1 D. PERITZ</p> <p>2 transitions through the hall." Do you see that?</p> <p>3 A Yes.</p> <p>4 Q Did Mr. Picarello respond or provide you</p> <p>5 with assistance with that child?</p> <p>6 A If it were not for the fact that it's</p> <p>7 here, but yeah, it's says that I got an email back</p> <p>8 from him saying yes.</p> <p>9 Q And so if you weren't reading this email,</p> <p>10 would you recall what he did to assist you?</p> <p>11 A I wouldn't, but I do -- I mean -- and I</p> <p>12 didn't remember this situation honestly, but now</p> <p>13 that I see this kid's name I remember treating him,</p> <p>14 and initially I was advised that he would be really</p> <p>15 difficult and was a runner, and so they said</p> <p>16 initially why don't you treat him in the classroom,</p> <p>17 and that's what I did initially.</p> <p>18 And then at some point somebody said</p> <p>19 you <u>can't</u> do that forever 'cause that's not what IEP</p> <p>20 says so you need to take him, and that's what</p> <p>21 prompted it.</p> <p>22 Q Now, did you speak with the teacher and</p> <p>23 the staff in that room to explain that you might</p> <p>24 need help and support as directed Mr. Picarello in</p> <p>25 his email to you?</p>
<p style="text-align: right;">Page 164</p> <p>1 D. PERITZ</p> <p>2 A Yes.</p> <p>3 Q And did you receive that assistance report</p> <p>4 thereafter?</p> <p>5 A Probably. I don't remember.</p> <p>6 Q Did you have to follow up with</p> <p>7 Mr. Picarello where you complained or reported that</p> <p>8 you weren't getting the assistance with that</p> <p>9 situation?</p> <p>10 A No.</p> <p>11 Q Okay. And Mr. Picarello referencing you</p> <p>12 discussing a situation with the staff in the room</p> <p>13 109 and that they will assist you as needing?</p> <p>14 A Yes.</p> <p>15 Q Do you recall what situation you discussed</p> <p>16 with him?</p> <p>17 A Yeah, 'cause that was the room that at the</p> <p>18 disciplinary meeting it became clear that that's the</p> <p>19 room where the aide was complaining. So again, I'm</p> <p>20 not somebody who, you know, wanted to go in and say</p> <p>21 hey, I have a back -- and they never met me, but</p> <p>22 ultimately I did, and ultimately she apologized she</p> <p>23 said I'm sorry. I didn't really know if I was going</p> <p>24 to make any trouble and she even said that</p> <p>25 Bonnie Heller was very difficult, and -- but it was</p>	<p style="text-align: right;">Page 165</p> <p>1 D. PERITZ</p> <p>2 all too late 'cause it all happened.</p> <p>3 Q Okay. Well, let me ask you this: What</p> <p>4 did you share with this aide?</p> <p>5 A I just said I have a back condition and</p> <p>6 I'm not able to push, pull, or lift, and what you</p> <p>7 see as my not wanting to touch the kid -- if you're</p> <p>8 with me and he starts pulling or pushing I know that</p> <p>9 I can't maintain my balance so I'm dropping his or</p> <p>10 her hand, because I need to be safe and you're here.</p> <p>11 If you weren't here I could do what I</p> <p>12 needed to do to make the kid safe, but you are here.</p> <p>13 Q And was she receptive to that the point</p> <p>14 when you shared it with her?</p> <p>15 A Yes, yes.</p> <p>16 Q Again, just let me get my question out.</p> <p>17 A I'm sorry.</p> <p>18 Q And did you share that conversation or</p> <p>19 what you discussed with the aide with the teacher in</p> <p>20 classroom?</p> <p>21 A It says when she returns to work so I</p> <p>22 probably did, but I'm not sure.</p> <p>23 Q And did you have any further issues with</p> <p>24 that the aide the rest of the year?</p> <p>25 A No.</p>

Page 166

1 D. PERITZ

2 Q Or the rest of the time you were there?

3 A No.

4 Q Okay. And you said the aide -- correct me

5 if I'm wrong. You don't recall of aide's name?

6 A I don't remember the name. She was a

7 middle-aged woman with blondish hair but I don't

8 know.

9 Q And you said that the aide said to you

10 that Bonnie Heller was difficult?

11 A Yeah.

12 Q Did she say anything else to explain that?

13 A They weren't happy with her so much. That

14 John was a nicer principal and so forth, and I said

15 I really didn't know who she was.

16 Q Did she give you any specifics about why

17 she wasn't happy with her, or is that all she said?

18 A She just said she's difficult. She didn't

19 explain a lot.

20 Q Okay. So let me ask you -- we'll just do

21 this really quick: Can I ask you take a look at

22 that what was previously marked as Defendant's

23 Exhibit C. It's an October 5th, 2015, letter.

24 A Yes.

25 Q And just let me know when you're ready.

Page 166

1 D. PERITZ

2 your job you should not work here."

3 A Yes.

4 Q Is that the aide that we already spoke

5 about in room --

6 A Yes.

7 Q -- 109?

8 A Yes.

9 Q And is it true that you didn't report that

10 incident to Ms. Heller and Mr. Picarello prior to

11 this meeting?

12 A Right. Well, again I didn't know who

13 Bonnie Heller --

14 Q Okay.

15 A -- was until I got her letter. And I

16 don't know about you, but I don't just go and tell

17 on people so --

18 Q So is it "a yes" or "no" or --

19 A It's a no -- no, it's true. I did not --

20 Q You did not?

21 A I did not.

22 Q Okay. So during this meeting, was there

23 also a discussion about an observation that

24 Ms. Weisel did on September 30th, 2015?

25 A Yes.

Page 167

1 D. PERITZ

2 A I know the letter. If you ask specifics,

3 can I look back at it?

4 Q Sure. Well, what I just want to ask is:

5 Is this letter the letter that followed after the

6 meeting that you referenced? The disciplinary

7 meeting?

8 A Yes.

9 Q Okay. So in that meeting was it also

10 discussed concerns or reports that you were not

11 following behavior intervention plans?

12 A Yes.

13 Q Okay. Was it also discussed that there

14 were concerns about you not establishing behavior

15 control during a treatment session?

16 A Yes.

17 Q Okay. Not utilizing a one-to-one aide

18 appropriately?

19 A Yes. You're reading the letter -- uh-huh.

20 Q Okay. I'm just asking if those things, in

21 fact, were discussed at the meeting?

22 A Yeah.

23 Q So if you can see though the fourth

24 paragraph down there's a quote where it references

25 that you stated that an aide said "If you can't do

Page 169

1 D. PERITZ

2 Q And did you acknowledge that the

3 observation -- that the session that was observed

4 was problematic?

5 A Yeah. But do you want me to expand?

6 Q No. Following that observation, the

7 September 30th, 2015, observation, did you, when

8 questioned about it by Ms. Weisel -- did you

9 acknowledge that you didn't know what the student's

10 behavioral plan entailed?

11 A I'm not sure.

12 Q Okay. Okay. Now, did you submit any sort

13 of response or rebuttal to this letter?

14 A Yes, I did.

15 Q Okay. Let me show you what was previously

16 marked as Exhibit D, and just let me know when you

17 are ready and then I will ask you a question.

18 A Uh-huh.

19 Q Are you ready?

20 A Yes.

21 Q Okay. Did you -- is this the letter that

22 you submitted in response to Mr. Heller's

23 October 5th letter to you?

24 A Yes.

25 Q Now, I don't know if I asked you this, and

<p style="text-align: right;">Page 170</p> <p>1 D. PERITZ</p> <p>2 I'm anticipating I know what your answer is going to</p> <p>3 be, but during the October 5th meeting, did you</p> <p>4 record it or tape it in any way?</p> <p>5 A No.</p> <p>6 Q Did you personally make any notes or</p> <p>7 summaries of it?</p> <p>8 A This (indicating.)</p> <p>9 Q Other than your written response to</p> <p>10 Ms. Heller, did you make any notes or summaries of</p> <p>11 it anywhere?</p> <p>12 A No.</p> <p>13 Q Okay. And actually -- withdrawn.</p> <p>14 Did anyone direct you to submit this</p> <p>15 letter --</p> <p>16 A No.</p> <p>17 Q -- or advise you to do it?</p> <p>18 A No. I wrote it and then I sent it to</p> <p>19 Bob Dreaper and I responded by saying that he was</p> <p>20 very disturbed -- I have in an email, otherwise,</p> <p>21 honestly I wouldn't remember.</p> <p>22 He was very disturbed as to the way</p> <p>23 Bonnie Heller tailored her discussion, and also that</p> <p>24 Janet -- that my observation even became part of</p> <p>25 this meeting, and the way I said that the discussion</p>	<p style="text-align: right;">Page 171</p> <p>1 D. PERITZ</p> <p>2 regarding the observation had happened, so he</p> <p>3 thought my letter was an accurate interpretation and</p> <p>4 a good letter, and he thought I should send it.</p> <p>5 Q Mr. Dreaper was at the meeting with you --</p> <p>6 A Yes.</p> <p>7 Q Did he say anything at the meeting?</p> <p>8 A I don't remember.</p> <p>9 Q Okay.</p> <p>10 A Probably.</p> <p>11 Q But you don't remember whether he did?</p> <p>12 A I don't remember what he said, yes.</p> <p>13 Q Okay. So let me ask you: Did you ever</p> <p>14 ask Mr. Dreaper whether he ever took any notes at</p> <p>15 that meeting?</p> <p>16 A I didn't, but he usually writes so</p> <p>17 probably he did.</p> <p>18 Q Okay. But you never obtained a copy of</p> <p>19 any notes or anything?</p> <p>20 A No, it wasn't official.</p> <p>21 Q Okay. So during the '15-'16 school year</p> <p>22 -- so the school year that you were at CCA and</p> <p>23 Rosemary Kennedy School, did -- I think I asked you</p> <p>24 this, but you had observations with Ms. Weisel,</p> <p>25 correct?</p>
<p style="text-align: right;">Page 172</p> <p>1 D. PERITZ</p> <p>2 A Yes.</p> <p>3 Q And do you remember how many?</p> <p>4 A I think she did -- well, she originally</p> <p>5 wanted to do two at Rosemary Kennedy and I had said</p> <p>6 that I didn't know any of the students. Like in</p> <p>7 this case it was the only the second time I had ever</p> <p>8 seen him, so I think she did one at CCA as well.</p> <p>9 Q Okay. So you think she did --</p> <p>10 A So she probably did three.</p> <p>11 Q And you never got a written write-up or</p> <p>12 report of any of those, did you?</p> <p>13 A I got only at the very -- at the meeting</p> <p>14 where they were terminating me. I never got</p> <p>15 anything in writing before that.</p> <p>16 Q Was that essentially a summative</p> <p>17 evaluation, if you remember?</p> <p>18 A I don't know. It says "refused to</p> <p>19 resign."</p> <p>20 Q Okay.</p> <p>21 A On the bottom.</p> <p>22 Q Well, let me ask you this: After each of</p> <p>23 those observations that she did, did you ever get a</p> <p>24 written report?</p> <p>25 A No.</p>	<p style="text-align: right;">Page 173</p> <p>1 D. PERITZ</p> <p>2 Q -- essentially addressing that specific</p> <p>3 observation?</p> <p>4 A No.</p> <p>5 Q And prior to any of those observations,</p> <p>6 did you have any pre-observations with Ms. Weisel?</p> <p>7 A No.</p> <p>8 Q Was it just if you had any communications</p> <p>9 with her before then, was that just purely for</p> <p>10 scheduling purposes?</p> <p>11 A Yes.</p> <p>12 Q And never any discussion about what would</p> <p>13 be done in the session or what would be observed or</p> <p>14 what the goal was or --</p> <p>15 A No.</p> <p>16 Q -- anything prior to the happening?</p> <p>17 A No.</p> <p>18 Q And do you remember -- well, actually, the</p> <p>19 letter we looked at Ms. Heller wrote after the</p> <p>20 October 5th meeting, it reference a September 30th</p> <p>21 observation. Was that the first one that you had</p> <p>22 that year?</p> <p>23 A Yes.</p> <p>24 Q Okay. And did you have any sort of</p> <p>25 conference or meeting with Ms. Weisel after that</p>

<p style="text-align: right;">Page 174</p> <p>1 D. PERITZ</p> <p>2 observation to discuss her feedback?</p> <p>3 A Yes.</p> <p>4 Q Okay. Was it in person?</p> <p>5 A It was right after the observation.</p> <p>6 Q Anyone else present?</p> <p>7 A That may have been the one that was so</p> <p>8 weird that she said she didn't have time. I have my</p> <p>9 own office at CCA and I wanted to go downstairs, and</p> <p>10 instead she said let's use Bonnie Heller's office</p> <p>11 and Bonnie Heller walked in on our conference, sat</p> <p>12 down and started taking notes, and I did not have --</p> <p>13 at that point I did not -- I did not realize that</p> <p>14 all of this was going to happen and I was --</p> <p>15 I mean, the whole tide of every</p> <p>16 conversation had changed, so I didn't say anything</p> <p>17 but I was very, very uncomfortable because it was a</p> <p>18 private meeting and this woman came and started take</p> <p>19 notes at the meeting.</p> <p>20 Q Well, let me ask you a little about that.</p> <p>21 Ms. Heller's office -- is it set up with a main desk</p> <p>22 and then a conference room table?</p> <p>23 A No.</p> <p>24 Q How is it set up?</p> <p>25 A It's the size of this room and it's her</p>	<p style="text-align: right;">Page 175</p> <p>1 D. PERITZ</p> <p>2 desk and two chairs.</p> <p>3 Q Two chairs opposite the desk?</p> <p>4 A Yes.</p> <p>5 Q And then the chair that the person</p> <p>6 occupying the desk would sit at and work at?</p> <p>7 A Yes. So Janet sat at the chair at the</p> <p>8 desk and she said I should sit here (indicating) and</p> <p>9 Bonnie came in and pulled the chair back and was</p> <p>10 behind us, and she was writing as I was talking and</p> <p>11 she was talking.</p> <p>12 Q Okay. Did Ms. Heller say anything during</p> <p>13 that discussion?</p> <p>14 A No.</p> <p>15 Q At that point did you know who she was?</p> <p>16 A I already knew because we already had the</p> <p>17 disciplinary meeting.</p> <p>18 Q Okay. I guess I'm a little confused. The</p> <p>19 September 30th observation you said you met with</p> <p>20 Ms Weisel right after?</p> <p>21 A I think so, yeah.</p> <p>22 Q Was the disciplinary meeting in October?</p> <p>23 A I don't know, honestly. I didn't know who</p> <p>24 she was before the disciplinary letter.</p> <p>25 Q Okay.</p>
<p style="text-align: right;">Page 176</p> <p>1 D. PERITZ</p> <p>2 A So maybe I'm confusing one observation</p> <p>3 with the other. There were two done at</p> <p>4 Rosemary Kennedy.</p> <p>5 One was the sleeping kid who was</p> <p>6 drugged by his mom in advance, and I don't even</p> <p>7 remember who the other one was at all.</p> <p>8 Q Okay.</p> <p>9 A I do remember the one at CCA, though.</p> <p>10 Q So the Rosemary Kennedy -- actually,</p> <p>11 withdrawn.</p> <p>12 The September 30th one -- do you know</p> <p>13 where that was? Was that at Rosemary Kennedy or</p> <p>14 CCA?</p> <p>15 A I would need to look it, I don't know.</p> <p>16 No.</p> <p>17 Q Okay.</p> <p>18 A The CCA -- the Rosemary Kennedy one</p> <p>19 happened before the CCA one. Well, the original CCA</p> <p>20 one happened in May, but then I had one at Rosemary</p> <p>21 Kennedy. I had one at CCA, and it says three, so I</p> <p>22 must have had another one at Rosemary Kennedy but I</p> <p>23 don't remember it.</p> <p>24 Q Okay. I know you may have some confusion</p> <p>25 with which meeting, but which meeting Ms. Heller sat</p>	<p style="text-align: right;">Page 177</p> <p>1 D. PERITZ</p> <p>2 in on --</p> <p>3 A It definitely wasn't the CCA one, because</p> <p>4 she wouldn't have been downstairs, and because that</p> <p>5 meeting happened outside my office 'cause Leora was</p> <p>6 using the office --</p> <p>7 Q Okay.</p> <p>8 A -- and someone told me afterwards "what's</p> <p>9 up" because Janet looks weird.</p> <p>10 Q So the September 30th observation, though.</p> <p>11 Do you remember any discussion or feedback from that</p> <p>12 observation?</p> <p>13 A I don't know whether that was the one that</p> <p>14 he was sleeping or not.</p> <p>15 Q Okay.</p> <p>16 A I don't know who else was observed during</p> <p>17 --</p> <p>18 Q So there was an observation were a student</p> <p>19 was sleeping?</p> <p>20 A Yes.</p> <p>21 Q Do you remember any discussion regarding</p> <p>22 feedback at that observation --</p> <p>23 A Yeah.</p> <p>24 Q -- with Janet?</p> <p>25 A Yeah, that's what I remember. So the</p>

Page 178

1 D. PERITZ

2 student was sleeping. I had seen him once before,

3 and he peed on himself all over the place, and he

4 was like 15, so I needed help. We needed to change

5 him, we needed to clean, et cetera, et cetera.

6 So that session was sort of stopped

7 and then we had -- I had this one scheduled and I

8 went to get him and he was totally asleep and he

9 couldn't be aroused. It took several people to

10 rouse him. The teacher came and roused him, and

11 then the teacher said I don't think you should take

12 him because I don't think you're going to get

13 anything from him, and I said but I'm being

14 observed; I have to take him.

15 So she said okay. Just tread lightly

16 with him, and so I said, you know -- I'm freaking

17 out, so we walked to the OT room. His one-to-one,

18 me, and this kid. And he saw the mat -- and again,

19 because I had already treated him once and because

20 at Rosemary Kennedy they actually didn't give me a

21 place to work.

22 The kids -- like at CCA, the kids

23 knew where they were coming to see me, but once it

24 was established at Rosemary Academy for like people

25 whom they had a cubical, the kids knew where they

Page 180

1 D. PERITZ

2 to her let's just see if he could do it.

3 So he ended up putting on his shoes

4 and socks and tying his shoes, and I thought that

5 was huge because nobody, including his teacher, knew

6 he could actually do that. And so at that point I

7 then -- I think I said to the aide -- because Janet

8 was sitting there watching me -- do you need help

9 getting him back to class and that then became

10 another big deal because Janet said that -- that all

11 the kids needed help and she was amazed that at CCA

12 we let the kids go back even on their own, which she

13 thought was unheard of and that the aide should be

14 in the room not sitting outside, but that was set up

15 by the principal not by me, so I didn't know --

16 again, I had only seen the kid once before and this

17 time. So the aide said yes, I need help. So

18 together we brought the kid back to the room and we

19 came back to Janet.

20 Q Okay. But my question was: What about

21 the feedback you got from Janet following that.

22 A So that's when she said I wasn't -- I

23 didn't have instructional control. I wasn't able to

24 prevent him from disrobing. It says it all in that

25 letter.

Page 179

1 D. PERITZ

2 were going, but my kids didn't.

3 So he saw the mat and he went and

4 made a beeline for the mat and laid down, and I

5 could not -- he was 15 years old. I knew in advance

6 there was no way to totally prevent that physically

7 for me. I'm not sure that there would be now

8 because he was big, but back then there wasn't, so I

9 said to his one-to-one to help me. Don't let him

10 lay down 'cause I thought this kid is going back to

11 sleep.

12 So I managed to, like, prevent him

13 from like -- to make him so that he was sitting

14 upright and he started -- now she references it --

15 Janet in one of those letters as disrobing his body.

16 He didn't disrobe. He took off his shoes and socks

17 and I could not prevent him from doing that.

18 Despite the fact that I did try.

19 But whatever the rest of my session

20 was I don't remember, but I do remember thinking

21 that it actually was a worthwhile session although

22 it's not documented there. The teacher and I felt

23 it was because what -- the aide said okay, let's get

24 shoes and socks back on and as we started to do it,

25 I had the sense he knows what he's doing, so I said

Page 181

1 D. PERITZ

2 Q Are you referencing the October 5th, 2015

3 letter?

4 A I don't know which letter -- I am, but you

5 have a copy of it. It's either that one or the

6 summary that they gave me when they terminated me,

7 but it says it in one of those.

8 Q Did you make any notes or records of that?

9 A No, except the letter that, you know, you

10 have a copy of.

11 Q Meaning your October 11th letter?

12 A Yes.

13 Q After that feedback from Janet though, did

14 you make any notes or summaries of it?

15 A No.

16 Q And did you sign any emails or letters to

17 Janet to confirm what was discussed then?

18 A I don't know.

19 Q Or rebut what she said to you?

20 A I did during the meeting with her.

21 Q Okay. Did you send her anything in

22 writing after that?

23 A No. No, I shouldn't say no. I don't

24 know. If I did I don't have a copy of it.

25 Q Would you have kept something like that if

<p style="text-align: right;">Page 182</p> <p>1 D. PERITZ</p> <p>2 you used the letter as reference?</p> <p>3 A It depends, but if I drafted it on my home</p> <p>4 computer, absolutely. But if I drafted it at CCA I</p> <p>5 don't have access to their emails anymore.</p> <p>6 I don't remember what I -- like, Bob</p> <p>7 at one point said to me your emails are still</p> <p>8 active, but once this all was complete I was done in</p> <p>9 my mind so I didn't check my email anymore. I mean,</p> <p>10 I'm not sure I printed out anything.</p> <p>11 Q Do you have any specific recollection of</p> <p>12 any sort of email or letter to Janet, specifically</p> <p>13 --</p> <p>14 A I know --</p> <p>15 Q Just let me finish -- addressing or</p> <p>16 rebutting the feedback that she gave you during</p> <p>17 after the September -- or after the sleeping student</p> <p>18 observation, for lack after a better definition?</p> <p>19 A Yeah, I'm not sure.</p> <p>20 Q Okay. That's fine. You can tell me if</p> <p>21 you don't know. Now, do you remember when your next</p> <p>22 observation was after September 30th?</p> <p>23 A I don't. As I said, there were three. I</p> <p>24 don't remember -- they were all very quick because</p> <p>25 at that point -- because she had not done the two</p>	<p style="text-align: right;">Page 183</p> <p>1 D. PERITZ</p> <p>2 she was supposed to do in the spring we were now on</p> <p>3 a time deadline, and that was my major issue because</p> <p>4 -- because of my own condition and because of the</p> <p>5 fact that I started late and because of the fact</p> <p>6 that my caseload was switched, she was observing me</p> <p>7 treat kids on a second session, and it takes time to</p> <p>8 get to know kids for them to get to know you.</p> <p>9 It's not just them. It's not just me</p> <p>10 getting to know them. It's both, and developing</p> <p>11 some sort of a rapport, so none of that was doable</p> <p>12 during the -- the -- the deadline time.</p> <p>13 Q Okay. To your knowledge, is there any</p> <p>14 sort of policy or requirement that observation of</p> <p>15 probationary therapists need to incur during</p> <p>16 sessions where the therapist has previously worked</p> <p>17 with the student?</p> <p>18 A No, but Janet had assured me that were we</p> <p>19 going to do two in the spring, and had we done that,</p> <p>20 I wasn't -- even if she did it at Jerusalem Avenue</p> <p>21 it didn't have to be at CCA, I would have already</p> <p>22 been working with the kids for a couple of months</p> <p>23 and then the observation happened.</p> <p>24 The way in which it was done --</p> <p>25 again, because all of this deadline was that it was</p>
<p style="text-align: right;">Page 184</p> <p>1 D. PERITZ</p> <p>2 done as school was just starting and then the other</p> <p>3 complication becomes that there were Jewish holidays</p> <p>4 in there, so they were holidays that the school was</p> <p>5 closed as well.</p> <p>6 Q Sure.</p> <p>7 A So it was abbreviated. Fall is always</p> <p>8 abbreviated and --</p> <p>9 Q So it would have just been your preference</p> <p>10 that your observations were done with students you</p> <p>11 been working with?</p> <p>12 A Well, I asked for one of them so she did</p> <p>13 it at CCA. She couldn't do it at Rosemary Kennedy</p> <p>14 cause they were all new, and they were all in the</p> <p>15 situation where my caseload was changed, and they</p> <p>16 were all in the situation where there were Jewish</p> <p>17 holidays.</p> <p>18 Q I understand. What I'm trying to figure</p> <p>19 out --</p> <p>20 A Yes, of course.</p> <p>21 Q But there's no requirement that it has to</p> <p>22 be that way, correct, to your knowledge?</p> <p>23 A To my knowledge there is not, but she had</p> <p>24 originally guaranteed to me that they will do two in</p> <p>25 the spring and one in the fall.</p>	<p style="text-align: right;">Page 185</p> <p>1 D. PERITZ</p> <p>2 Q Okay.</p> <p>3 A And I don't know quite know why that</p> <p>4 didn't happen.</p> <p>5 Q In any of the observations that you had in</p> <p>6 the '15-16 school year -- so in that fall of 2015,</p> <p>7 after your -- well -- withdrawn.</p> <p>8 For each of those, did you have a</p> <p>9 post-observation discussion or communication with --</p> <p>10 (Telephonic interruption.)</p> <p>11 A But you know I can wait.</p> <p>12 Q After each of those observations that you</p> <p>13 had in the fall of 2015, did you have a</p> <p>14 post-observation discussion with Ms. Weisel where</p> <p>15 you provided feedback about the observation?</p> <p>16 A Where I did or she did?</p> <p>17 Q Where you were provided feedback?</p> <p>18 A I don't know.</p> <p>19 Q Okay. Did you ever ask for any conference</p> <p>20 to -- did you have make any request for any</p> <p>21 conference with Ms. Weisel to further discuss the</p> <p>22 observations in that fall of 2015?</p> <p>23 A No. I think at that point I sent her an</p> <p>24 email because we had to -- we had to come up with a</p> <p>25 project that you we were going to do and I said that</p>

<p style="text-align: right;">Page 186</p> <p>1 D. PERITZ</p> <p>2 -- and at that point she wasn't responding to me.</p> <p>3 Q Okay.</p> <p>4 A And so I did say what's going on with</p> <p>5 everything -- because previously I felt I had a good</p> <p>6 relationship with Janet and previously I felt</p> <p>7 support and a rapport and everything changed in the</p> <p>8 fall after I no longer -- after my disability, but I</p> <p>9 didn't change in the summer after my disability</p> <p>10 because in the summer she was still saying you're</p> <p>11 well organized. I appreciate -- but in the fall</p> <p>12 after that it had changed.</p> <p>13 Q I need you to focus on my question. My</p> <p>14 question to you was: Did you ever specifically</p> <p>15 request an additional conference with Ms. Weisel to</p> <p>16 go over any of your observations from the fall of --</p> <p>17 A No.</p> <p>18 Q Or with any of the principals at CCA or --</p> <p>19 A No.</p> <p>20 Q -- Rosemary Kennedy?</p> <p>21 A They didn't even know about the</p> <p>22 evaluation.</p> <p>23 Q So no?</p> <p>24 A No.</p> <p>25 (Discussion held off the record.)</p>	<p style="text-align: right;">Page 187</p> <p>1 D. PERITZ</p> <p>2 Q All right. Now, I'm going to ask you to</p> <p>3 take a look really quickly at Exhibit B which was</p> <p>4 marked this morning. It's Bates-stamped 56, 58 and</p> <p>5 59.</p> <p>6 Just take a second to look at it and</p> <p>7 let me know when you're ready.</p> <p>8 A Okay.</p> <p>9 Q Do you recognize that document?</p> <p>10 A Yes.</p> <p>11 Q Okay. And is this a copy of an evaluation</p> <p>12 that you received for the time that you were</p> <p>13 employed with BOCES and the 2015-16 school year?</p> <p>14 A I did not receive it until that meeting on</p> <p>15 October 20th.</p> <p>16 Q Okay. Now, who was present at that</p> <p>17 meeting?</p> <p>18 A Janet Weisel, Tracy Neculak, Bob Dreaper,</p> <p>19 me, I think that Carmine Scaraguy -- I don't know</p> <p>20 who exactly he is -- I think this is it. (phonetic)</p> <p>21 Q Okay. And what was -- how did that</p> <p>22 meeting come about? Was it scheduled and you were</p> <p>23 directed to appear? Did you request the meeting?</p> <p>24 A No. It was scheduled and I was directed</p> <p>25 to appear. I knew in advance from Bob that the</p>
<p style="text-align: right;">Page 188</p> <p>1 D. PERITZ</p> <p>2 likelihood is that was at that point that they were</p> <p>3 no longer going to let me come back and that when I</p> <p>4 left CCA that day, 'cause I was treating, that I</p> <p>5 should take all of my stuff 'cause they might not</p> <p>6 let me enter the school again.</p> <p>7 Q Who told you that?</p> <p>8 A A union representative.</p> <p>9 Q Did anyone BOCES tell you that day?</p> <p>10 A Well, he's from BOCES.</p> <p>11 Q Well, anyone other than Bob, let's say?</p> <p>12 A No.</p> <p>13 Q And prior to that meeting, had anyone from</p> <p>14 BOCES discuss with you whether or not you would be</p> <p>15 receiving permanent status during that fall?</p> <p>16 A Yeah, before that Janet had told me back</p> <p>17 like at -- I think after the first observation</p> <p>18 whenever it was, to -- I mean, in the fall -- to fax</p> <p>19 to her the -- my updated résumé, a copy of an</p> <p>20 evaluation that I did, so that I could be considered</p> <p>21 for tenure.</p> <p>22 Despite the fact that she said it and</p> <p>23 I did it, I never got any sort of a response, and in</p> <p>24 fact, when I followed through with -- I told you</p> <p>25 that you we had to do a project, and when I sent the</p>	<p style="text-align: right;">Page 189</p> <p>1 D. PERITZ</p> <p>2 plan for the project, she never --like I didn't</p> <p>3 exist after that point.</p> <p>4 Q Well, let me ask you a question. When</p> <p>5 Janet told you to fax an updated résumé and an</p> <p>6 evaluation, was that before or after the first</p> <p>7 evaluation for the fall, or the first observation in</p> <p>8 the fall, or you don't know?</p> <p>9 A It must have been after, because I think</p> <p>10 after the first one I kept saying to her how's --</p> <p>11 like I was freaked out because it felt to me that</p> <p>12 the tide had changed, but it was before the</p> <p>13 disciplinary meeting. At this point I still thought</p> <p>14 oh, she's my friend -- not friend but, you know,</p> <p>15 she's on my side.</p> <p>16 So -- but I knew tenure was coming up</p> <p>17 so I said to her how is this going to affect tenure,</p> <p>18 and she said you know don't worry, we're going to</p> <p>19 have another one, and send me these documents, and I</p> <p>20 did that. But someone -- I don't remember who the</p> <p>21 physical therapist at CCA -- said looking at you</p> <p>22 guys, something is wrong and I didn't even realize</p> <p>23 at that point.</p> <p>24 Q Who was the physical therapist that had</p> <p>25 said that?</p>

<p style="text-align: right;">Page 190</p> <p>1 D. PERITZ</p> <p>2 A Her name is Mary Anne.</p> <p>3 Q What's her last name?</p> <p>4 A I don't know her last name.</p> <p>5 Q She was at CCA?</p> <p>6 A Yeah. I think she probably still is. She</p> <p>7 was more or less permanent.</p> <p>8 Q Did she say anything else to you?</p> <p>9 A She said -- well, she and Freda -- Freda</p> <p>10 is also the PT at CCA -- and people I knew from the</p> <p>11 previous years, so I knew them.</p> <p>12 They said this is so bizarre because</p> <p>13 therapists almost always get tenure -- because I</p> <p>14 started freaking out. They said this is like</p> <p>15 unheard of. I don't understand what's happening.</p> <p>16 Q At that point had you told them you</p> <p>17 weren't getting permanent status?</p> <p>18 A No. I said something is weird, but when</p> <p>19 Mary Anne saw us talking --</p> <p>20 Q Saw -- who saw? Who's us?</p> <p>21 A Janet and I. After one of the</p> <p>22 observations she's the one who came to me and said</p> <p>23 what's going on. She looks so unhappy and I didn't</p> <p>24 read it. I was just still in the dark.</p> <p>25 Q Let me ask you this: Before this</p>	<p style="text-align: right;">Page 191</p> <p>1 D. PERITZ</p> <p>2 October 20th meeting, had you been told that you</p> <p>3 weren't to get permanent status?</p> <p>4 A No.</p> <p>5 Q Or you were going to be terminated?</p> <p>6 A No. In fact, I asked Bob after the</p> <p>7 disciplinary meeting what was going to happen to</p> <p>8 tenure, and he said don't worry. Take it a step at</p> <p>9 a time so no one had told me anything. And in fact,</p> <p>10 no one told me until this meeting. It was Bob who</p> <p>11 told me if you have stuff to take -- personal</p> <p>12 items -- take them.</p> <p>13 Q Well, my question was going to be -- I</p> <p>14 don't know if I actually got it out.</p> <p>15 Prior to this October 20th meeting,</p> <p>16 had anyone told that you're employment with</p> <p>17 BOCES was going to be terminated?</p> <p>18 A No. You asked that question and I said</p> <p>19 no. In fact, Bob is the person who told me.</p> <p>20 Q Okay. All right. So what do you recall</p> <p>21 being discussed at the October 20th meeting?</p> <p>22 A There was a whole big discussion about the</p> <p>23 fact that technically by civil service standards --</p> <p>24 rules, regulations, laws, you need 30 days' notice</p> <p>25 to be terminated, and I was not getting that notice.</p>
<p style="text-align: right;">Page 192</p> <p>1 D. PERITZ</p> <p>2 And that -- I said that I felt very</p> <p>3 strongly that everything -- the tide had changed</p> <p>4 once I became disabled and that I was not going to</p> <p>5 just go off and like just give in, and that if they</p> <p>6 didn't follow the regulations I planned on getting</p> <p>7 an attorney.</p> <p>8 And at that point they tried to get</p> <p>9 Selma on the phone I guess 'cause she's the attorney</p> <p>10 there and Bob was privy to what conversation --</p> <p>11 'cause they -- they tabled it and they went off into</p> <p>12 an office and I wasn't allowed to be there.</p> <p>13 So I was sitting there by myself and</p> <p>14 Bob was talking to them and he came back and he said</p> <p>15 "They have lawyers on retainer. They're not afraid.</p> <p>16 They understand that legally they can't do</p> <p>17 this," and he said "See you in court."</p> <p>18 Q And was anyone present when Bob said that</p> <p>19 to you?</p> <p>20 A I don't think so.</p> <p>21 Q Now, you had said that the discussion was</p> <p>22 about having to give 30 days' notice. At that</p> <p>23 meeting were you advised you were going to be</p> <p>24 terminated?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 193</p> <p>1 D. PERITZ</p> <p>2 Q Were you advised why --</p> <p>3 A Yeah, cause that's when they went over to</p> <p>4 the eval I had never seen and --</p> <p>5 Q The Exhibit B, correct, that you're</p> <p>6 looking at?</p> <p>7 A Yes, and they said that I wasn't -- I</p> <p>8 mean, basically they -- basically they said I wasn't</p> <p>9 good at what I did and that had nothing to do with</p> <p>10 anything physical. That it was ridiculous that I</p> <p>11 felt that way, and I responded by saying that I'm a</p> <p>12 therapist with close to 20 years' experience.</p> <p>13 That no one had ever questioned, and</p> <p>14 then they said well, maybe it's this population, and</p> <p>15 in fact -- and I didn't answer your question before</p> <p>16 since I no longer do it right now.</p> <p>17 I should tell you I worked with</p> <p>18 St Mary's. Some of the very kids I worked with</p> <p>19 through St. Mary's are now at Rosemary Kennedy, so</p> <p>20 yes, I have to lots of experience with that</p> <p>21 population, and I was just -- I was stronger -- I</p> <p>22 was like appalled really because I did not</p> <p>23 anticipate that before Bob told me.</p> <p>24 Q Okay. I --</p> <p>25 A I -- I mean, all of a sudden everything</p>

<p style="text-align: right;">Page 194</p> <p>1 D. PERITZ</p> <p>2 started being negative 'cause in the spring</p> <p>3 everything was very positive, and even over the</p> <p>4 summer I was asked back to CCA. They specifically</p> <p>5 called back and asked for me back.</p> <p>6 Q Who did?</p> <p>7 A Frank Barrett and Chris Chirelcheck.</p> <p>8 (phonetic)</p> <p>9 Q How do you know that?</p> <p>10 A 'Cause they told me and Janet told me and</p> <p>11 also I called -- because I was getting emails</p> <p>12 following this meeting from Chris Chirelcheck, so I</p> <p>13 called him and I said I'm not working at BOCES, and</p> <p>14 he went "what," like nobody even told CCA and anyone</p> <p>15 of this had happened.</p> <p>16 Q Were you getting those emails on your</p> <p>17 BOCES or at your personal account?</p> <p>18 A BOCES.</p> <p>19 Q Did you ever print them out or save them</p> <p>20 to anywhere?</p> <p>21 A No.</p> <p>22 Q Do you have copies of these?</p> <p>23 A Obviously, I'm not a good espionage</p> <p>24 person. No, I didn't. No, I didn't.</p> <p>25 Q Okay.</p>	<p style="text-align: right;">Page 195</p> <p>1 D. PERITZ</p> <p>2 A I just responded by calling.</p> <p>3 Q Well, what did you discuss with them?</p> <p>4 A Well, he said "Oh, my goodness. Nobody</p> <p>5 told me." And I said "Yeah, so I can't attend this</p> <p>6 meeting you're asking me to attend 'cause I'm not</p> <p>7 working there," and then I said "I'm going to fight</p> <p>8 and I hope I'll win," and he said "I hope so. Let</p> <p>9 me know what's going on," but didn't know that this</p> <p>10 fight was going to take two and a half years or</p> <p>11 however long, so --</p> <p>12 Q Have you ever had any further discussion</p> <p>13 with him then?</p> <p>14 A No.</p> <p>15 Q Okay. So I know what your answer is going</p> <p>16 to be, but I'm going to ask it. Did you tape or</p> <p>17 record that meeting in any way?</p> <p>18 A Well, a phone conference, no.</p> <p>19 Q No, no. I'm sorry the October 20th</p> <p>20 meeting?</p> <p>21 A This -- no.</p> <p>22 Q And about the conversation that you had</p> <p>23 with Mr. Dreaper where he said the lawyer is on</p> <p>24 retainer -- did you tape or record that?</p> <p>25 A No.</p>
<p style="text-align: right;">Page 196</p> <p>1 D. PERITZ</p> <p>2 Q Did you make any notes or records of it?</p> <p>3 A No.</p> <p>4 Q Did you make any notes or records or</p> <p>5 summaries of the October 20th meeting with Tracy and</p> <p>6 --</p> <p>7 Well, did you make any notes,</p> <p>8 records, summaries of the initial meeting that</p> <p>9 occurred on October 2015?</p> <p>10 A No.</p> <p>11 Q Were you -- did you actually get a copy of</p> <p>12 this evaluation at that meeting?</p> <p>13 A I don't know. Somewhere I got a copy, you</p> <p>14 know. It says I refused to sign it. I -- argued a</p> <p>15 little bit and I said -- I don't know who it was,</p> <p>16 but I ultimately said -- but how -- that's not</p> <p>17 right. Like you're giving me this now there's --</p> <p>18 and Bob made the point to make no opportunity for</p> <p>19 her to make any changes, because there's no time.</p> <p>20 In fact, that supposedly is one of</p> <p>21 the changes that has come from this; that if you are</p> <p>22 observed there needs to be written feedback. There</p> <p>23 needs to be time between the evaluation and the next</p> <p>24 evaluation. Like -- like the whole point to grow</p> <p>25 and --</p>	<p style="text-align: right;">Page 197</p> <p>1 D. PERITZ</p> <p>2 Q I'm going to stop you. You need to focus</p> <p>3 on the question.</p> <p>4 A Okay. No, I didn't.</p> <p>5 Q Did you get a copy of this at the meeting?</p> <p>6 A I've must gotten it there.</p> <p>7 Q Okay. And did you ever submit any written</p> <p>8 response or rebuttal to it? Just "yes" or "no."</p> <p>9 A We just did the appeals. No.</p> <p>10 Q When you say you did the appeals, are you</p> <p>11 referring to a grievance of your termination?</p> <p>12 A Yes.</p> <p>13 Q Okay. Other than that, did you submit a</p> <p>14 written rebuttal or response to this evaluation?</p> <p>15 A No, there's no point.</p> <p>16 Q Just "yes" or "no."</p> <p>17 MS. KALLUS: Wouldn't it be easy if</p> <p>18 everyone listened to everyone else. "Yes" or</p> <p>19 "no." It just doesn't work that way.</p> <p>20 Q Okay. You said -- well, actually after</p> <p>21 this meeting, were you -- did you return to work</p> <p>22 until the effective date of termination?</p> <p>23 A No. I wasn't allowed in the building.</p> <p>24 Q So you -- were you assigned to home?</p> <p>25 A Yes.</p>

<p style="text-align: right;">Page 198</p> <p>1 D. PERITZ</p> <p>2 Q Were you paid between the time that you</p> <p>3 were reassigned to home to the effective date of</p> <p>4 your termination?</p> <p>5 A I was at that time. It was still was not</p> <p>6 30 days.</p> <p>7 Q Okay. When you say it's still not 30</p> <p>8 days, are you referring to the 30 days from the time</p> <p>9 that you found out about your termination until the</p> <p>10 effective date you weren't paid for?</p> <p>11 A Right. And technically they could not do</p> <p>12 30 days because if they did it one day past the</p> <p>13 November 5th, I would get tenure.</p> <p>14 Q Okay. Now, you keep saying "tenure" here.</p> <p>15 But is it your understanding that you would actually</p> <p>16 receive tenure as in OP?</p> <p>17 A Yes.</p> <p>18 Q Or permanent status?</p> <p>19 A I don't know. I thought it was tenure so</p> <p>20 I don't know. At the DOE it's not tenure but BOCES</p> <p>21 I thought it was tenure.</p> <p>22 Q Okay. What is that based on?</p> <p>23 A I thought that was what they discussed and</p> <p>24 so forth.</p> <p>25 Q Now, you filed a grievance, and that's</p>	<p style="text-align: right;">Page 199</p> <p>1 D. PERITZ</p> <p>2 just to challenge the termination?</p> <p>3 A Not just that. I wanted to go back to --</p> <p>4 I like my job. I wanted to go back to work. I</p> <p>5 wanted to get the permanent status or tenure --</p> <p>6 whatever, yeah.</p> <p>7 Q Okay. And was that grievance -- well, is</p> <p>8 that grievance still pending?</p> <p>9 A No.</p> <p>10 Q How was it eventually --</p> <p>11 How did it eventually resolve or</p> <p>12 concluded, if you know?</p> <p>13 A Well, it's like 0.</p> <p>14 MS. KALLUS: Otherwise I can explain it to</p> <p>15 her.</p> <p>16 MS. LINEEN: Well, I want to know what she</p> <p>17 knows about it.</p> <p>18 A It's like a three-step process and we had</p> <p>19 the first meeting -- I don't remember who was there</p> <p>20 -- but we explained what we thought. I let Bob --</p> <p>21 honestly, Bob explained what was thought and then</p> <p>22 they refused it.</p> <p>23 Then we went to the second step, and</p> <p>24 the third step we both spoke. There wasn't enough.</p> <p>25 Like they said would they respond but they didn't</p>
<p style="text-align: right;">Page 200</p> <p>1 D. PERITZ</p> <p>2 respond, but they left him a message that he never</p> <p>3 got. It was a very complicated thing but ultimately</p> <p>4 the three-step process ended.</p> <p>5 Q Okay. Well --</p> <p>6 A Quickly as opposed to something like this.</p> <p>7 Q Right. Did you get what you were looking</p> <p>8 for through the grievance?</p> <p>9 A No.</p> <p>10 Q And was their grievance denied --</p> <p>11 A Yes.</p> <p>12 Q -- in all levels?</p> <p>13 A Yes.</p> <p>14 Q Did you appeal that -- the final denial to</p> <p>15 any -- through any other proceeding in court?</p> <p>16 A This.</p> <p>17 Q Other than this?</p> <p>18 THE WITNESS: EEOC?</p> <p>19 MS. KALLUS: We will talk about it later.</p> <p>20 I can't talk about that.</p> <p>21 Q Other than anything you're alleging in</p> <p>22 this case, did you file a separate action?</p> <p>23 A No.</p> <p>24 Q Challenging or appealing the denial of</p> <p>25 that grievance?</p>	<p style="text-align: right;">Page 201</p> <p>1 D. PERITZ</p> <p>2 A No.</p> <p>3 Q To your knowledge, was there any</p> <p>4 discussion about settlement of that grievance at the</p> <p>5 time?</p> <p>6 A Yes.</p> <p>7 Q Was there an offer made to you?</p> <p>8 A Yes.</p> <p>9 Q Do you remember what that was?</p> <p>10 A Yes. They offered to pay the health</p> <p>11 insurance until the end the school year which came</p> <p>12 out to roughly \$10,000.</p> <p>13 Q Anything else?</p> <p>14 A No.</p> <p>15 Q Did they offer you any back wages or</p> <p>16 salary to cover a period?</p> <p>17 A No.</p> <p>18 Q And did you accept or reject that offer?</p> <p>19 A I rejected it.</p> <p>20 Q Other than that grievance, did you ever</p> <p>21 file any other grievances while you were employed by</p> <p>22 BOCES?</p> <p>23 A No.</p> <p>24 Q Did you ever actually during the grievance</p> <p>25 process -- did you actually meet with a</p>

Page 202

1 D. PERITZ

2 superintendent?

3 A Yes.

4 Q Other than that meeting, did you ever have

5 any meeting or communication with the superintendent

6 at BOCES?

7 A No.

8 Q Did you ever submit anything in writing to

9 the superintendent at BOCES, other than the

10 grievance saying you wanted the meeting with him?

11 That may have been confusing. I'll withdraw that

12 question. That was my fault.

13 Other than the submission of your

14 grievance to the level where it goes to the

15 superintendent, did you ever submit anything in

16 writing to the superintendent saying you wanted the

17 reason for your termination or you wanted to appeal

18 your termination?

19 A No. I let Bob doing everything. I --

20 Q Okay. Did you ever speak to any members

21 of the board of Nassau BOCES regarding your

22 termination?

23 A No.

24 Q Or regarding any request for

25 accommodations for your disability?

Page 204

1 D. PERITZ

2 if I was told that they approved something.

3 Q Okay. My question was: You know, were

4 you advised at the October 20th meeting they were

5 going to take action to terminate you?

6 A Yes.

7 Q And were you advised at some point that

8 that action had actually been approved about -- you

9 would, in fact, be terminated on an effective date?

10 A Yes.

11 MS. LINEEN: Can I have this marked,

12 please.

13 (Whereupon, documents, Defendant's

14 Exhibit H-J were marked for Identification.)

15 A Yeah, that's what I was referring to you

16 about before.

17 Q Okay. Have you had a second to look at

18 Exhibit J, and I'll provide you a copy.

19 It looks like an email thread from

20 October 13th, 2015, between you and Robert Dreaper.

21 A Uh-huh, yes.

22 Q Now, do you recognize this document?

23 A Yes.

24 Q On the bottom of the page there's an

25 October 13th, 2015, email from you at 1:25 p.m.

Page 203

1 D. PERITZ

2 A No.

3 Q Did you ever speak to the superintendent

4 regarding any request for accommodations for your

5 disability?

6 A Before?

7 Q Yes. So let's say at any time before your

8 termination.

9 A No.

10 Q And when you met with the -- withdrawn.

11 At any time prior to your grievance,

12 did you ever speak to the superintendent about your

13 disability or physical condition for any request for

14 accommodations?

15 A Prior to, no.

16 Q Prior to, yeah.

17 A During? It came up.

18 Q Right. I'm just asking about before that.

19 And at any point were you advised that the board of

20 BOCES actually approved to and voted on your

21 termination and that you were going to be

22 terminated?

23 A I guess. I think I was told --

24 MS. KALLUS: If you don't know.

25 A Your grievance was denied -- I don't know

Page 205

1 D. PERITZ

2 A Yes.

3 Q Do you see that?

4 A Yes.

5 Q And under that it appears that there was a

6 message from Mr. Dreaper to you; do you see that?

7 A Under that?

8 Q Also there's a section that says "from

9 Robert Dreaper."

10 A Oh, yeah.

11 Q Do you have the rest of this email chain?

12 A I don't know.

13 Q Okay.

14 A I can look.

15 Q Okay.

16 MS. LINEEN: I'm going to call for

17 production of the complete email thread as well

18 as any and all communications between the

19 plaintiff and Mr. Dreaper and any members of

20 her union that have not been produced.

21 A Okay. How do you call for that?

22 MS. KALLUS: That's for me.

23 Q I just did that on the record. That's for

24 your attorney and I to sort out. Your attorney will

25 address you about at that.

<p style="text-align: right;">Page 206</p> <p>1 D. PERITZ</p> <p>2 A Okay. I know that if you noticed some of</p> <p>3 it is to Nassau BOCES, and I don't know if it still</p> <p>4 exists. And then at one point it says my gmail,</p> <p>5 which I can easily get to, but I don't even know if</p> <p>6 the Nassau BOCES exists anymore.</p> <p>7 Q Okay. Well, I want the entire thread,</p> <p>8 'cause there appears that there was a message where</p> <p>9 Mr. Dreaper responded to you here.</p> <p>10 A Sure.</p> <p>11 Q And any and all communications between you</p> <p>12 and Mr. Dreaper and any members or representatives</p> <p>13 or officials of your union that have not been</p> <p>14 produced yet. And I'll address that with your</p> <p>15 attorney.</p> <p>16 A Okay.</p> <p>17 Q Now, when you were hired by BOCES, did you</p> <p>18 receive any copy -- or were you advised of specific</p> <p>19 employment policies like an equal opportunity policy</p> <p>20 and anti-harassment policies and things like that?</p> <p>21 A They had a meeting at human resources but</p> <p>22 -- where you watch a video and so forth. I don't</p> <p>23 know honestly remember exactly what.</p> <p>24 Q Okay. Do you recall ever any signing</p> <p>25 indicating that you were made aware that BOCES had</p>	<p style="text-align: right;">Page 207</p> <p>1 D. PERITZ</p> <p>2 certain policies and that you should review them?</p> <p>3 A I don't -- I don't know.</p> <p>4 MS. LINEEN: Can I have these marked</p> <p>5 separately.</p> <p>6 (Whereupon, documents, Defendant's Exhibit</p> <p>7 K&L were marked for Identification.)</p> <p>8 Q I'm going to ask you to take a look at</p> <p>9 what has been marked Defendant's Exhibit K. It's</p> <p>10 Bates-stamped DEF20, and it's a document entitled</p> <p>11 policies and regulations. Just take a second to</p> <p>12 look at that.</p> <p>13 A Uh-huh. Yes.</p> <p>14 Q Have you ever seen this document before?</p> <p>15 A Well, I signed it so I have to have seen</p> <p>16 it.</p> <p>17 Q Okay. That's your signature on the bottom</p> <p>18 of the page?</p> <p>19 A Yes.</p> <p>20 Q And do you understand when you were</p> <p>21 signing this you were acknowledging that you</p> <p>22 understood the BOCES policies and regulations can be</p> <p>23 found on the website with the address provided in</p> <p>24 this document?</p> <p>25 A Right. Well, they would go over a lot of</p>
<p style="text-align: right;">Page 208</p> <p>1 D. PERITZ</p> <p>2 it at the orientation.</p> <p>3 Q And then please take a look at what has</p> <p>4 been marked Defendant's Exhibit L of today's date.</p> <p>5 It's Bates-stamped DEF22. Just let me know when you</p> <p>6 had a second to look at that and then I'll ask you a</p> <p>7 question.</p> <p>8 A Okay. So -- can I talk?</p> <p>9 Q Well, do you recognize this document?</p> <p>10 A Again, I signed it.</p> <p>11 Q So that's your signature on this page?</p> <p>12 A Uh-huh.</p> <p>13 Q Yes?</p> <p>14 A Yes. Sorry.</p> <p>15 Q And in signing this document, did you</p> <p>16 understand you were acknowledging that you've read</p> <p>17 the BOCES handbook?</p> <p>18 A Well, when we got this we were told that</p> <p>19 it's in the process of being updated, and in fact,</p> <p>20 what we were reading is a -- not current situation,</p> <p>21 and that when the updated one comes we'll get it.</p> <p>22 Q Okay. Did you read the one that was not</p> <p>23 current?</p> <p>24 A Yes.</p> <p>25 Q Okay. Now, does your spinal stenosis or</p>	<p style="text-align: right;">Page 209</p> <p>1 D. PERITZ</p> <p>2 any back or physical disability or impairment affect</p> <p>3 your ability to work?</p> <p>4 A Yes and no.</p> <p>5 Q Okay. Can you explain for me what you</p> <p>6 mean.</p> <p>7 A It's an ongoing condition. I know that --</p> <p>8 I work full-time but I've been told to be careful --</p> <p>9 how I move, how I lift, how I do things, and I am.</p> <p>10 That being said, I carry things into</p> <p>11 homes, I move kids around, et cetera.</p> <p>12 Q Okay. Let me ask you: Since you woke up</p> <p>13 in pain in October 2015, have you been treated by</p> <p>14 any other doctors, facilities, hospitals, any sort</p> <p>15 of clinicians, therapists, anything like that for</p> <p>16 conditions with your back, hip, neck? Anything like</p> <p>17 that?</p> <p>18 A Well, I have ongoing treatment by the -- I</p> <p>19 haven't actually seen Dr. Beer after the last set of</p> <p>20 shots.</p> <p>21 Q When were those?</p> <p>22 A Around that time.</p> <p>23 Q So around August of 2015?</p> <p>24 A Yeah. Well, they were separated by a</p> <p>25 couple of weeks each time, but yeah.</p>

<p style="text-align: right;">Page 210</p> <p>1 D. PERITZ</p> <p>2 Q Okay.</p> <p>3 A But I just recently saw the spinal surgeon</p> <p>4 like two weeks ago.</p> <p>5 Q And who's that?</p> <p>6 A You have a HIPAA release. Dr. Matoose,</p> <p>7 and obviously he hasn't quote, unquote treated me,</p> <p>8 but -- on the other hand, he says if you need</p> <p>9 surgery -- because I say "if I need surgery" -- he</p> <p>10 says it's when you need surgery, but you don't need</p> <p>11 it now.</p> <p>12 And so -- and I also was -- I mean,</p> <p>13 this is like kind of strange, but at the time I was</p> <p>14 on a lot of medicine.</p> <p>15 I was in agony and so I was</p> <p>16 prescribed Percocet along with other things and</p> <p>17 the -- the downside of Percocet they didn't work</p> <p>18 actually for my pain. I used to get very, very</p> <p>19 constipated so I ended up at Syossett Hospital</p> <p>20 because unable to go to the bathroom --</p> <p>21 Q So when was it that you were prescribed</p> <p>22 Percocet?</p> <p>23 A During that period in and August -- after</p> <p>24 the hospitals -- I didn't stay but I was in the ER</p> <p>25 until they -- the doctor said when I called is it</p>	<p style="text-align: right;">Page 211</p> <p>1 D. PERITZ</p> <p>2 working? And I said "no" -- "then stop taking it,"</p> <p>3 and that solved that problem, obviously.</p> <p>4 Q So when were you in the ER in Syossett?</p> <p>5 A In that August timeframe when I was</p> <p>6 first -- probably like five to seven days after the</p> <p>7 incident, but --</p> <p>8 Q So between September 2015, and</p> <p>9 November 2015, were you taking any pain medications?</p> <p>10 A I take Tylenol. That's all I really take.</p> <p>11 Q Anything other than that at that time?</p> <p>12 A September 2015 -- and what?</p> <p>13 Q So the fall of 2015 when you were working</p> <p>14 at BOCES.</p> <p>15 A No -- Tylenol.</p> <p>16 Q Were you taking any other medication of</p> <p>17 any type at that time?</p> <p>18 A No -- I'm on high blood pressure medicine.</p> <p>19 Q Other than Dr. Matoose and Dr. Beer and</p> <p>20 Syossett Hospital, had you have treatment with</p> <p>21 anyone or at any other place for your back or your</p> <p>22 spinal stenosis or any hip or neck injury?</p> <p>23 A Yes. So I went to Glick Physical Therapy</p> <p>24 for PT during that time -- again, I'm not doing that</p> <p>25 now, and I saw I think -- what's his name?</p>
<p style="text-align: right;">Page 212</p> <p>1 D. PERITZ</p> <p>2 I could be wrong with his name. I</p> <p>3 think it's Dr. Gonzalez. He is a hip specialist --</p> <p>4 because at the beginning no one could tease out</p> <p>5 whether it was actually my hip or my back that was</p> <p>6 causing the problem.</p> <p>7 So I saw him also from Lennox Hill</p> <p>8 and -- Dr. Matoose, Dr. Gonzalez -- again, it could</p> <p>9 be the wrong name it was not my hip -- and physical</p> <p>10 therapy, I think that's it.</p> <p>11 Q Okay.</p> <p>12 A And -- oh, and the MRI place,</p> <p>13 Zwanger-Pesiri. Oh, that isn't it, and also --</p> <p>14 acupuncture doctor.</p> <p>15 Q Okay.</p> <p>16 MS. KALLUS: Do you have the name?</p> <p>17 Q And I understand that you've brought some</p> <p>18 HIPAA releases, but to be official I'm going to call</p> <p>19 for the production of an authorization to obtain the</p> <p>20 records of the acupuncturist and physical therapy at</p> <p>21 Glick.</p> <p>22 MS. LINEEN: And any records from</p> <p>23 Dr. Gonzalez.</p> <p>24 A You had HIPAA releases previously from</p> <p>25 those people.</p>	<p style="text-align: right;">Page 213</p> <p>1 D. PERITZ</p> <p>2 Q No, I didn't.</p> <p>3 MS. KALLUS: I think we gave her</p> <p>4 HIPAA releases for Dr. Beer and --</p> <p>5 MS. LINEEN: I think Matoose.</p> <p>6 MS. KALLUS: -- Dr. Matoose and then we</p> <p>7 responded to interrogatories.</p> <p>8 A I'm not sure if it's Gonzalez.</p> <p>9 Q Okay. I can address that with your</p> <p>10 attorney after the deposition, but I am going to</p> <p>11 call for production of them and an authorization for</p> <p>12 any other treating physicians, providers, hospitals,</p> <p>13 therapists, acupuncturists. Anything like that.</p> <p>14 Now, are you alleging that as a</p> <p>15 result of the treatment you experienced at BOCES you</p> <p>16 incurred any sort of financial damages?</p> <p>17 A Yes.</p> <p>18 Q Can you explain to me the damages you feel</p> <p>19 you incurred?</p> <p>20 A Health insurance as an ongoing situation.</p> <p>21 My health insurance is now -- I'm doing COBRA still,</p> <p>22 but it's up to the \$964 a month or something like</p> <p>23 that.</p> <p>24 Q Is that only for coverage -- I'm sorry.</p> <p>25 A I was trying to find -- I don't know if I</p>

Page 214

1 D. PERITZ

2 have it in my phone, whether it's really

3 Dr. Gonzalez.

4 MS. KALLUS: Don't worry about that.

5 Q We'll sort that out after.

6 A Okay.

7 Q Now, the COBRA coverage -- is that only

8 for you or is anyone else covered under that policy?

9 A Just me.

10 Q Okay.

11 A Now --

12 Q Go ahead. I'll follow up after.

13 A Okay. I have retirement benefits loss. I

14 was a New York City employee back in 1979. At that

15 time I joined the retirement system then I had to --

16 Do you want this back, by the way?

17 Q Yes.

18 A -- then I had to take my money out when I

19 left and then came back to the Board of Ed in like

20 1998, and then I left again and then returned there

21 in 2012. When I returned there in 2012 I was in the

22 process of -- there's a whole provision based on the

23 union regs that you can buy back the time and --

24 that you took out the money or the time that you did

25 not contribute, and so then as you do that you incur

Page 216

1 D. PERITZ

2 time.

3 There's no, you know -- when I have

4 that surgery, which hopefully I won't, nobody is

5 going to pay for that down time. There's no

6 holidays. There's no summer vacation. There's none

7 of that because you're a fee-for-service employee.

8 Q Okay. Any other ways that you feel you

9 were financially impacted before we go back through

10 those?

11 A No, I don't think so. I think that covers

12 it.

13 Q When you were at BOCES -- well, actually

14 -- withdrawn.

15 Do you have documentation as to how

16 much you spent in terms of COBRA coverage to date?

17 A Not with me, but --

18 Q In some --

19 A Eight hundred and something dollars times

20 however many months it was and then this year \$964

21 times how many it was.

22 Q I understand that you don't have it with

23 you, but in someplace in your home, computer,

24 anything like that, do you have documentation as to

25 the amount you spent?

Page 215

1 D. PERITZ

2 time towards retirement, which is actually part of

3 why I returned to the Board of Ed in the first place

4 in 2012.

5 And then when I left to go to BOCES I

6 had found out that it was all transferable, so when

7 I started the paperwork through BOCES I discovered

8 because BOCES is more cohesive than the New York

9 City Department of Ed, that, in fact, I wasn't

10 required -- I could buy it back at the time and I

11 would do that, but that I wasn't actually the person

12 required to do the contributions that -- because of

13 when I joined back in '79 that they are required to

14 make the contributions, so I was in the process of

15 doing all that and then I was terminated.

16 So I don't yet know, like, what that

17 all comes to, but -- but my plan was to retire with

18 insurance and benefits. And that was why I was

19 sticking -- I mean, the commute was difficult, but

20 that's why I was staying with the DOE.

21 And then the other issue becomes the

22 fact that even though as I said earlier, as a

23 contract employee you make more money technically

24 you -- if you miss like today, you know, you're not

25 paid for what you don't do, and so there's no sick

Page 217

1 D. PERITZ

2 A Not separate, no.

3 MS. KALLUS: Well, you'll have to locate

4 it with your insurance company. COBRA --

5 you'll have to call and get the actual numbers.

6 Q Okay. How do you normally pay it?

7 A I send a check to BOCES.

8 Q Okay. Do you have copies of those checks

9 -- canceled checks?

10 A If they come back, yeah.

11 MS. LINEEN: I'm going to call for

12 production of any and all documentation as to

13 any cost for health insurance, including, but

14 not limited to costs being paid for COBRA

15 coverage.

16 Q Now, your retirement benefits we spoke a

17 little bit about -- do you know, as you sit here

18 today, approximately how many years' credit you have

19 in the retirement system?

20 A I don't.

21 Q Do you know -- well, at the time --

22 A Well, actually, right now, I have nothing

23 because you lose it, so I had to buy it back and

24 that's what I was in the process of doing.

25 Q So you never actually bought it back?

Page 218

1 D. PERITZ

2 A Uh-uh.

3 Q No?

4 A No.

5 Q If you had continued to be employed by

6 BOCES, did you have a plan for how many years that

7 you would continue working there?

8 A Yeah, 'till I was eligible for retirement

9 and older.

10 Q Did you at the time have an idea when that

11 would be in terms of age or years?

12 A 65, 68, you know. I don't know.

13 Q Okay. And at that time did you have a

14 plan for how many years you needed to be in the

15 system at that time or to continue to work?

16 A No.

17 Q Did you get statements from the retirement

18 system?

19 A Yeah.

20 Q Do you continue to get them?

21 A I think I recently got a letter that said

22 that it had notified that I'm not employed and if I

23 don't -- if become reemployed during a certain

24 period that everything would stop or something.

25 MS. LINEEN: Okay. I'm going to Call for

Page 220

1 D. PERITZ

2 A Yes.

3 Q Okay. And is that still Diane Peritz, OT,

4 PLLC?

5 A Uh-huh.

6 Q Yes?

7 A Yes.

8 Q Do you have a contract that you normally

9 work with when you provide services? A usual

10 contract that you use?

11 A No.

12 Q Okay. Do you charge a standard rate or

13 does it depend?

14 A You don't have a choice. You're -- the

15 state pays to the agency and the agency takes

16 whatever their cut is and pays us.

17 Q Okay. So is that a standard rate that you

18 normally get or does it vary? That's what I'm

19 trying to figure out?

20 A Agencies pay different -- slightly

21 different amounts depending on the agency, but it's

22 pretty standard.

23 Q What's that then?

24 A What is the rate per child per hour?

25 Q Yes.

Page 219

1 D. PERITZ

2 production of any and all statements received

3 from the retirement system.

4 MS. KALLUS: Do you have those?

5 THE WITNESS: I probably have like some.

6 I don't necessarily --

7 MS. LINEEN: Well, I ask for any that you

8 have as well as any and all communications or

9 documents evidencing any need or attempts to

10 buy back time.

11 A A lot of that is done on the phone when

12 you -- when they sent you something.

13 MS. LINEEN: Okay. So to the extent any

14 documents exist I'm demanding production of

15 them.

16 Q Are there any other ways that feel you

17 were financially damaged that you haven't told me

18 about?

19 A I told you sometimes you make more

20 sometimes you make less and that's it.

21 Q So are you -- and I think we already went

22 over this. You're currently employed, correct?

23 A I'm not employed, no.

24 Q Were you employed through your own

25 business?

Page 221

1 D. PERITZ

2 A I think right now -- and it should be

3 noted that it's gone down, actually -- I don't know

4 if it's ever gone down in the history of salaries.

5 I think it's like \$60 for 45 minutes, but the agency

6 is paid more -- or \$59 actually for 45 minutes.

7 Q Okay. And these are the agencies that you

8 currently work with, or the agencies that you

9 refused to provide the names of earlier in your

10 testimony?

11 A Uh-huh.

12 Q Yes?

13 A Yes.

14 MS. LINEEN: Again, I'm going to mark that

15 for a ruling and demand the names of those

16 agencies, and we'll address that with the court

17 and we'll leave the deposition open.

18 It will not be closed until we can follow

19 up on that until we get a ruling from the

20 court.

21 Q All right. Other than working through

22 those agencies as a contract -- independent

23 contractor for them --

24 A Yes.

25 Q -- are you employed anywhere else

<p style="text-align: right;">Page 222</p> <p>1 D. PERITZ</p> <p>2 currently?</p> <p>3 A No.</p> <p>4 Q Since your employment with BOCES ended,</p> <p>5 other than working with these agencies as an</p> <p>6 independent contractor, have you been employed</p> <p>7 anywhere else?</p> <p>8 A No.</p> <p>9 Q Okay. Have you applied for any positions</p> <p>10 in any public school districts since your time at</p> <p>11 BOCES ended?</p> <p>12 A No.</p> <p>13 Q Since your employment? I'm sorry.</p> <p>14 A It doesn't exactly work like that. And</p> <p>15 part of the civil service, I guess, damage is that</p> <p>16 somewhere it's on my record that I was terminated,</p> <p>17 so whereas my score on the civil service exam was</p> <p>18 100. Lord knows what it is now but I just stopped.</p> <p>19 Q Do you know -- so after the civil service</p> <p>20 exam you would go on a list of the people who took</p> <p>21 the exam?</p> <p>22 A Right.</p> <p>23 Q That can be canvased by a potential</p> <p>24 employer?</p> <p>25 A Right.</p>	<p style="text-align: right;">Page 223</p> <p>1 D. PERITZ</p> <p>2 Q Does that list expire after a certain</p> <p>3 time?</p> <p>4 A It does and you can reinstate it, but what</p> <p>5 I was advised by the union is it's why they didn't</p> <p>6 -- they wanted me -- at some point when it was</p> <p>7 obvious that we were losing one of the union reps</p> <p>8 advised me to resign and BOCES was willing to let me</p> <p>9 do it because if I had resigned, then I wouldn't be</p> <p>10 marked that I was terminated, but given that I do</p> <p>11 not think any of this was right --</p> <p>12 I certainly -- legally they were not</p> <p>13 within their rights but I think that I was singled</p> <p>14 out because of my condition. And I don't even know</p> <p>15 what else with Bonnie Heller that I didn't want to</p> <p>16 do it that way.</p> <p>17 Q Okay. Who was the union rep that advised</p> <p>18 you to resign?</p> <p>19 A Well, Bob, but also there was another guy</p> <p>20 that Bob took me to see.</p> <p>21 Q In person?</p> <p>22 A Yes.</p> <p>23 Q When?</p> <p>24 A At that same -- during that same time</p> <p>25 period.</p>
<p style="text-align: right;">Page 224</p> <p>1 D. PERITZ</p> <p>2 Q Which time period?</p> <p>3 A After the initial -- when the grievances</p> <p>4 were happening.</p> <p>5 Q Where did you go to see this person?</p> <p>6 A Union headquarters. There's an office in</p> <p>7 Woodbury. I don't know. His name was Steve, I</p> <p>8 think. Don't know, but I don't remember more than</p> <p>9 that.</p> <p>10 Q Did you take any notes or summaries of</p> <p>11 that meeting?</p> <p>12 A No.</p> <p>13 Q No?</p> <p>14 A No.</p> <p>15 Q Did you have an written communication with</p> <p>16 Steve?</p> <p>17 A No.</p> <p>18 Q Okay. Have you made any attempts to have</p> <p>19 the civil service -- or your position on the list</p> <p>20 reinstated?</p> <p>21 A No.</p> <p>22 A The original time when I went on the list,</p> <p>23 my whole point was to get the job at BOCES because I</p> <p>24 wanted to have the back benefits, blah, blah, blah</p> <p>25 -- sorry. All of rest of the things, and you know,</p>	<p style="text-align: right;">Page 225</p> <p>1 D. PERITZ</p> <p>2 that was the original plan, so --</p> <p>3 Q So --</p> <p>4 A Plus people --</p> <p>5 Q Whatever you had since then?</p> <p>6 A Plus I will be asked about the BOCES part,</p> <p>7 and I don't want to share that information.</p> <p>8 Q My question was: Did you make any</p> <p>9 attempts, not why?</p> <p>10 A No.</p> <p>11 Q And have any other public school districts</p> <p>12 contacted you after canvasing the civil service list</p> <p>13 or anything since your time with BOCES ended?</p> <p>14 A No.</p> <p>15 Q Have you made any attempts to receive</p> <p>16 employment from BOCES programs?</p> <p>17 A I don't know if legally I can.</p> <p>18 Q But have you?</p> <p>19 A No.</p> <p>20 Q Did you have any sort of 401K or IRA?</p> <p>21 A Yes, a SEP.</p> <p>22 Q I'm sorry?</p> <p>23 A A SEP.</p> <p>24 Q And do you get statements as to the</p> <p>25 balance in those?</p>

<p style="text-align: right;">Page 226</p> <p>1 D. PERITZ</p> <p>2 A Sure.</p> <p>3 MS. LINEEN: Okay. I'm going to call for</p> <p>4 production as to any documentation as to the</p> <p>5 401K and/or IRAs.</p> <p>6 A I only have a SEP. I don't have a 401K,</p> <p>7 but you understand I put the money in there.</p> <p>8 Q I understand.</p> <p>9 A No one puts it there for me.</p> <p>10 Q And other than the money that you've</p> <p>11 earned through your work as an independent</p> <p>12 contractor with agencies that you won't provide the</p> <p>13 names of today, have you had any other forms of</p> <p>14 income since your employer with BOCES ended?</p> <p>15 A No.</p> <p>16 Q No, okay. Have you done any private</p> <p>17 therapy with any families of students or individuals</p> <p>18 outside of work through an agency?</p> <p>19 A No.</p> <p>20 Q Do you obtain employment benefits for any</p> <p>21 period after your termination from BOCES?</p> <p>22 A No.</p> <p>23 Q Did you have file for unemployment?</p> <p>24 A I want to say I did, but I wasn't</p> <p>25 eligible. The rules are -- should I tell you the</p>	<p style="text-align: right;">Page 227</p> <p>1 D. PERITZ</p> <p>2 rest?</p> <p>3 Q Sure.</p> <p>4 A The rules are such that even if you treat</p> <p>5 one child per day that's a day you work, so</p> <p>6 therefore I was never eligible because you need to</p> <p>7 have a period of time that you're not working.</p> <p>8 So I did go through it but I'm not</p> <p>9 eligible.</p> <p>10 MS. LINEEN: I'm going to call for</p> <p>11 production of any application for unemployment</p> <p>12 insurance benefits.</p> <p>13 A I have nothing.</p> <p>14 MS. LINEEN: -- and any communication</p> <p>15 about such employment and an authorization to</p> <p>16 obtain any and all records from the</p> <p>17 unemployment insurance board regarding any such</p> <p>18 application, and I'll follow up in writing.</p> <p>19 Q Did you apply for disability benefits?</p> <p>20 A No.</p> <p>21 Q Did you ever seek social security benefits</p> <p>22 since the time of -- since the time your employment</p> <p>23 with BOCES ended?</p> <p>24 A No.</p> <p>25 Q And have you ever applied for or sought</p>
<p style="text-align: right;">Page 228</p> <p>1 D. PERITZ</p> <p>2 retirement benefits since your employment with BOCES</p> <p>3 ended?</p> <p>4 A No.</p> <p>5 MS. LINEEN: Okay. I know we requested it</p> <p>6 in our document demands, but I'm going to</p> <p>7 demand again on the record documentation of all</p> <p>8 income earned by the plaintiff since the end of</p> <p>9 her employment with Nassau BOCES, included, but</p> <p>10 not limited to tax records and authorizations</p> <p>11 to obtain the program applicable tax</p> <p>12 documentation from let's say 2014, to the</p> <p>13 present.</p> <p>14 Q Do you feel that you suffered any sort of</p> <p>15 additional physical injuries or illnesses that had</p> <p>16 -- or that the treatment by BOCES had any impact on</p> <p>17 your physical health?</p> <p>18 A No.</p> <p>19 Q Okay. Are you alleging or do you feel</p> <p>20 that the treatment that you experienced when you</p> <p>21 were worked with BOCES and the termination impacted</p> <p>22 your personal health or your emotional health in any</p> <p>23 way?</p> <p>24 A No, except I'm angry.</p> <p>25 Q Other than that?</p>	<p style="text-align: right;">Page 229</p> <p>1 D. PERITZ</p> <p>2 A No.</p> <p>3 Q Do you know someone by the name of</p> <p>4 Lydia Bagly (phonetic)?</p> <p>5 A I think she was at one of those meetings.</p> <p>6 Q What meetings?</p> <p>7 A The grievance meetings.</p> <p>8 Q Okay. And do you know what her position</p> <p>9 is?</p> <p>10 A No.</p> <p>11 Q Is she a BOCES employee?</p> <p>12 A Yes.</p> <p>13 Q And was she one who's a representative or</p> <p>14 official in the union, or was she there on behalf of</p> <p>15 BOCES, to your knowledge?</p> <p>16 A No, I think for BOCES. She was there with</p> <p>17 the superintendent.</p> <p>18 Q Do you recall, as we sit here today, know</p> <p>19 approximately how much per week your income has been</p> <p>20 affected by the termination of your employment with</p> <p>21 BOCES?</p> <p>22 A Well, do you like look at your income and</p> <p>23 then take off your health insurance expenses?</p> <p>24 Q Well, let me ask you this way: Do you</p> <p>25 know -- leaving outside what you would deduct for</p>

<p style="text-align: right;">Page 230</p> <p>1 D. PERITZ</p> <p>2 health insurance and with looking at what you made</p> <p>3 at BOCES and what you earned now, do you know how</p> <p>4 much the difference is, approximately?</p> <p>5 A It's not lower, because BOCES -- well, I</p> <p>6 don't know about the summer, but like the annual</p> <p>7 salary when I started was like \$67 -- what happens</p> <p>8 is as you do courses you move it upward, but I</p> <p>9 didn't work long enough to do that, so --</p> <p>10 Q Okay. Well, how much in -- how much you</p> <p>11 would you say you earned per year since your</p> <p>12 employment with BOCES ended?</p> <p>13 A I don't -- I honestly didn't even do my</p> <p>14 taxes this year -- I filed for an extension so I</p> <p>15 don't know.</p> <p>16 Q That would be for the 2016 year. Did you</p> <p>17 file for 2015?</p> <p>18 A Yes, of course -- or else they're taking</p> <p>19 me to jail.</p> <p>20 Q Do you know approximately how much income</p> <p>21 --</p> <p>22 A No.</p> <p>23 Q -- you reported?</p> <p>24 A Not off the top of my head, no. But I</p> <p>25 know as an independent contractor for years and</p>	<p style="text-align: right;">Page 231</p> <p>1 D. PERITZ</p> <p>2 years that the income varies a lot, depending upon</p> <p>3 how much you work, if anything you know is going on,</p> <p>4 if you're working anywhere else, et cetera,</p> <p>5 et cetera.</p> <p>6 Q Now, do you recall looking at a document</p> <p>7 where you responded to interrogatories or questions</p> <p>8 that my office posed to you regarding your lawsuit</p> <p>9 of written questions?</p> <p>10 A Yes.</p> <p>11 Q And do you recall providing information to</p> <p>12 answer those questions?</p> <p>13 A Yes.</p> <p>14 Q And not looking at your responses that</p> <p>15 your attorney produced to us, and in one of the</p> <p>16 responses it says "In the current school year she --</p> <p>17 meaning you, the plaintiff -- has worked for the</p> <p>18 school in Huntington."</p> <p>19 A Uh-huh.</p> <p>20 Q What school is that?</p> <p>21 MS. KALLUS: She's not going to answer</p> <p>22 that question subject to the court's ruling.</p> <p>23 THE WITNESS: Right.</p> <p>24 Q You've already provided information.</p> <p>25 MS. LINEEN: Again, I'm going to demand a</p>
<p style="text-align: right;">Page 232</p> <p>1 D. PERITZ</p> <p>2 ruling on it and hold the deposition open until</p> <p>3 that ruling.</p> <p>4 A Okay.</p> <p>5 Q And I'll put on record now that if we're</p> <p>6 not provided with appropriate information as it</p> <p>7 relates to current employment and/or earnings, we're</p> <p>8 going to seek to preclude any claim for economic</p> <p>9 damages.</p> <p>10 MS. KALLUS: Of course we're going to</p> <p>11 provide you with tax documentation and whatever</p> <p>12 you've asked for.</p> <p>13 Don't assume that we're not. The one</p> <p>14 issue that we have is for confidentiality with</p> <p>15 her agencies. That's all we're talking about.</p> <p>16 MS. LINEEN: Okay. Well, for one we need</p> <p>17 to appropriately verify all this information.</p> <p>18 Two, we hadn't been provided with</p> <p>19 documentation as to those things so I'm just</p> <p>20 placing it on the record now.</p> <p>21 MS. KALLUS: Okay. So --</p> <p>22 MS. LINEEN: I'm not going to make a</p> <p>23 motion now.</p> <p>24 MS. KALLUS: That's fine.</p> <p>25 MS. LINEEN: I am going to have to mark</p>	<p style="text-align: right;">Page 233</p> <p>1 D. PERITZ</p> <p>2 something.</p> <p>3 (Whereupon, document, Defendant's Exhibit</p> <p>4 M was marked for Identification.)</p> <p>5 Q I'm directing your attention -- actually,</p> <p>6 just let me know when you're ready.</p> <p>7 I'm going to direct your attention to</p> <p>8 Page 4.</p> <p>9 A Uh-huh.</p> <p>10 Q In your answer to Interrogatory 19 you</p> <p>11 state that you worked as an independent contractor</p> <p>12 with named agency in all capitals?</p> <p>13 A Uh-huh.</p> <p>14 Q Are those the agencies that you refused to</p> <p>15 provide the names of today?</p> <p>16 A Uh-huh, yes.</p> <p>17 Q Okay. And then Interrogatory number 22.</p> <p>18 Your answer -- objection to Interrogatory number 22,</p> <p>19 do you see at that?</p> <p>20 A Yes.</p> <p>21 Q It reads "Plaintiff developed an</p> <p>22 accommodations plan while employed by BOCES." I'm</p> <p>23 just a little confused there.</p> <p>24 A Can you remind what the question was</p> <p>25 'cause I don't know.</p>

Page 234

1 D. PERITZ

2 Q Well, the question wasn't reproduced in

3 the response, but --

4 MS. KALLUS: Just because we had a timing

5 issue.

6 Q Let me ask you this: Did you develop any

7 accommodations plan for other employees?

8 A No. It's not necessary because I'm aware

9 of what I can and cannot do and I don't do what I

10 can't do.

11 Q Okay. But you didn't develop a plan for

12 anyone else, did you?

13 MS. KALLUS: For yourself.

14 A It's for myself.

15 MS. LINEEN: You can't answer the

16 question.

17 MS. KALLUS: I know.

18 A It's for myself. Like for example, if I

19 am working with a child in a wheelchair I will say

20 to the aide I need help lifting him, and I get that

21 help.

22 So if I bring in different equipment

23 to a house, I know what I can carry and what I

24 can't. I have to make two trips or I bring one

25 thing one day and one thing the next day, so I'm

Page 236

1 D. PERITZ

2 A No.

3 Q Other than your lawsuit against the

4 New York City Board of Education and BOCES and the

5 named defendants, have you sued anyone else?

6 A Many, many years ago I was in a car

7 accident and there was a lawsuit, but like many

8 years ago -- being like 30 years ago.

9 Q Did that case go to trial or was it

10 resolved before trial?

11 A I think there was a -- like an EBT and

12 were picking the jury and then it was resolved.

13 Q So was it resolved through a monetary

14 settlement?

15 A Yes.

16 Q Other than that, have you sued anyone else

17 or any other employers or agencies?

18 A No.

19 Q Have you ever been terminated from

20 employment anywhere else?

21 A Never.

22 Q Have you ever been asked to resign from

23 employment anywhere else?

24 A No, never.

25 Q Have you ever been told you would be fired

Page 235

1 D. PERITZ

2 just aware of what I can do or not do.

3 Q Okay. So I'm just trying to figure out --

4 did you develop a plan for yourself while you worked

5 at BOCES?

6 A A written plan, no. A plan in my mind,

7 absolutely.

8 Q Okay. And did you convey the plan that

9 you developed for yourself at BOCES?

10 A No, because the doctor did that.

11 Q Okay.

12 A So -- but I think at some point I was

13 going to BOCES I made two trips or I said I can't

14 carry all of my stuff at once, so I didn't hide it,

15 but you know -- yeah, I'm like --

16 Q So your response reads that you developed

17 an accommodation plan while you were at BOCES. What

18 was that plan that you developed for yourself?

19 A That I can't lift excessive amounts, I

20 can't push or pull something that's too heavy, that

21 I need to just use good judgment and body mechanics,

22 that's all.

23 Q Okay. At the time that you were working

24 for BOCES, did you keep any sort of personal journal

25 or diary?

Page 237

1 D. PERITZ

2 and chose to resign from any other employment?

3 A Never.

4 MS. LINEEN: Okay. I know I requested

5 authorizations to get the employment records

6 from the New York City Board of Education, but

7 I'm going to request authorizations to obtain

8 employment records from -- and any

9 documentation of employment or payment,

10 attendance, anything like that, contracts with

11 the current agencies that the plaintiff works

12 with.

13 (Discussion held off the record.)

14 Q Other than the two doctors' notes we

15 looked at today the one from August 2015, and the

16 October 2015 --

17 A Dr. Beer's.

18 Q Yes. Did you ever provided any other

19 medical documentation to anyone at BOCES about your

20 back conditions and any limitations?

21 A No.

22 Q And then I asked you earlier today if you


23 recall testifying at a 50-H examination in April of

24 2016. And you recalled that, correct?

25 A Uh-huh, yes.

<p style="text-align: right;">Page 238</p> <p>1 D. PERITZ</p> <p>2 Q At that examination you testified that</p> <p>3 Mr. Dreaper had emailed you once at two o'clock in</p> <p>4 the morning saying that he couldn't sleep?</p> <p>5 A Uh-huh, yes.</p> <p>6 Q Do you have a copy of that email?</p> <p>7 A I don't know if I do or not. I don't</p> <p>8 know.</p> <p>9 MS. LINEEN: I'm going to call for</p> <p>10 production of that email and I think I did</p> <p>11 before -- and any and all communications with</p> <p>12 Mr. Dreaper and anyone else from the union that</p> <p>13 haven't been produced yet.</p> <p>14 A I'm not sure -- if it was sent to the</p> <p>15 BOCES email than I don't have it. I read it. I</p> <p>16 think it was sent to my personal email and it's</p> <p>17 still on the feed. Then I have it.</p> <p>18 Q Well, I'm going to request that you search</p> <p>19 for it and any other communications with Mr. Dreaper</p> <p>20 and anyone from the union. And if you locate</p> <p>21 anything, provide it to your attorney and she will</p> <p>22 produce it to me.</p> <p>23 I don't have any further questions at</p> <p>24 this time, but as I think I stated a couple of times</p> <p>25 I'm not closing the deposition.</p>	<p style="text-align: right;">Page 239</p> <p>1 D. PERITZ</p> <p>2 The deposition will remain open to be</p> <p>3 continued if necessary once we seek a ruling from</p> <p>4 the court on disclosure of the names of the agencies</p> <p>5 that you currently work with.</p> <p>6 MS. KALLUS: I just have one question that</p> <p>7 I'm curious about.</p> <p>8 MS. LINEEN: Okay.</p> <p>9 EXAMINATION</p> <p>10 OF MS. KALLUS:</p> <p>11 Q You testified that Janet Weisel was very</p> <p>12 positive about your work until some point in the</p> <p>13 late summer of 2015. What did she first say?</p> <p>14 MS. LINEEN: Note my objection to the</p> <p>15 form.</p> <p>16 You can answer. Sorry, I'm used to saying</p> <p>17 that to my clients.</p> <p>18 MS. LINEEN: It's okay, you can answer.</p> <p>19 A It wasn't until the late summer. It</p> <p>20 wasn't until the fall that she was in any way</p> <p>21 negative. Now, can you --</p> <p>22 Q So what did she say to you that caused you</p> <p>23 to think she was negative?</p> <p>24 A Her whole tone of the communication</p> <p>25 started changing. Every -- she didn't like how I</p>
<p style="text-align: right;">Page 240</p> <p>1 D. PERITZ</p> <p>2 did every evaluation. She had issues with every</p> <p>3 treatment session. She had issues with -- and was</p> <p>4 in no way supportive during the meeting that we had</p> <p>5 where it was a disciplinary meeting.</p> <p>6 Previous to all that, I thought she</p> <p>7 was, you know -- she said how organized I was, how</p> <p>8 all of her feedback was really good, that she --</p> <p>9 that I was doing a really good job. That's why she</p> <p>10 asked me to be full-time et cetera, et cetera. So</p> <p>11 it was wasn't -- it wasn't until then that I had any</p> <p>12 idea of anything was different.</p> <p>13 Q Did she ever say that you couldn't do your</p> <p>14 job because of your disability after your last</p> <p>15 episode of spinal stenosis?</p> <p>16 MS. LINEEN: Did Ms. Weisel ever say that?</p> <p>17 THE WITNESS: No.</p> <p>18 MS. KALLUS: Did anyone at BOCES that you</p> <p>19 ever spoke to with respect to your</p> <p>20 accommodations plan -- did any of them say you</p> <p>21 couldn't do the job because of your condition?</p> <p>22 MS. LINEEN: Note my objection to form.</p> <p>23 You can answer.</p> <p>24 A Only the aide that wasn't with the plan.</p> <p>25 That was --</p>	<p style="text-align: right;">Page 241</p> <p>1 D. PERITZ</p> <p>2 Q That you know?</p> <p>3 A Yeah. All right. That's it.</p> <p>4 MS. LINEEN: All right.</p> <p>5 (Whereupon, the deposition</p> <p>6 concluded at 4:25 p.m.)</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17 Signed and subscribed to</p> <p>18 before me, this _____ day</p> <p>19 of _____, 2017.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">DIANE PERITZ</p> <p style="text-align: center;">Notary Public</p>

Page 242	
1	
2	I N D E X O F W I T N E S S E S
3	
4	EXAMINATION BY PAGE
5	MS. LINEEN 6
6	MS. KALLUS 239
7	
8	
9	I N D E X O F E X H I B I T S
10	DESCRIPTION PAGE
11	DOCUMENTS 14
12	DOCUMENT 60
13	DOCUMENTS 110
14	DOCUMENT 135
15	DOCUMENTS 204
16	DOCUMENTS 207
17	DOCUMENT 233
18	
19	
20	I N D E X O F R E Q U E S T S
21	DESCRIPTION PAGE
22	PRODUCTION OF ANY SETTLEMENT AGREEMENT,
23	AUTHORIZATION TO GET PLAINTIFF'S
24	EMPLOYMENT RECORDS FROM THE NYC DOE &
25	EMAIL THREAD BETWEEN PLAINTIFF AND

Page 244	
1	
2	C E R T I F I C A T E
3	STATE OF NEW YORK)
4	COUNTY OF KINGS
5	
6	I, JOANNA MARTINEZ, a Notary Public within and
7	for the State of New York, do hereby certify:
8	THAT DIANE PERITZ, the witness whose
9	deposition is hereinbefore set forth, was duly sworn
10	by me and that such deposition is a true record of
11	the testimony given by such witness.
12	I further certify that I am not related to any
13	of the parties to this action by blood or marriage;
14	and that I am in no way interested in the outcome of
15	this matter.
16	IN WITNESS WHEREOF, I have hereunto set my
17	hand this 27th of July 2017.
18	
19	JOANNA MARTINEZ
20	
21	
22	
23	
24	
25	

Page 243	
1	D. PERITZ
2	MR. DREAPER AND MEMBERS FROM THE UNION 44
3	AUTHORIZATION OF TREATING PHYSICIANS,
4	PROVIDERS, HOSPITALS, THERAPISTS,
5	ACUPUNCTURISTS & SO FORTH 205
6	DOCUMENTATION OF HEALTH INSURANCE
7	COSTS, AND COSTS PAID THROUGH COBRA 217
8	RETIREMENT STATEMENTS 219
9	PRODUCTION OF 401K AND/OR IRAS 226
10	PRODUCTION OF APPLICATION OF
11	UNEMPLOYMENT INSURANCE BENEFITS 227
12	
13	I N D E X O F R U L I N G S
14	PAGE
15	39
16	221
17	
18	I N D E X O F I N S E R T I O N S
19	DESCRIPTION PAGE
20	NONE
21	
22	
23	
24	
25	

Page 245	
1	Errata Sheet
2	
3	NAME OF CASE: DIANE PERITZ -against- NASSAU COUNTY BOARD OF EDUCATION
4	DATE OF DEPOSITION: 07/07/2017
5	NAME OF WITNESS: DIANE PERITZ
6	Reason Codes:
7	1. To clarify the record.
8	2. To conform to the facts.
9	3. To correct transcription errors.
10	Page ____ Line ____ Reason ____
11	From ____ to ____
12	Page ____ Line ____ Reason ____
13	From ____ to ____
14	Page ____ Line ____ Reason ____
15	From ____ to ____
16	Page ____ Line ____ Reason ____
17	From ____ to ____
18	Page ____ Line ____ Reason ____
19	From ____ to ____
20	Page ____ Line ____ Reason ____
21	From ____ to ____
22	Page ____ Line ____ Reason ____
23	From ____ to ____
24	
25	

246Index: \$10,000—accurately

\$	171:21	20th 187:15		absence 106:9
\$10,000 201:12	15-16 85:4 185:6	191:2,15,21	6	125:21 127:23
\$20,000 44:6	16 82:15	195:19 196:5		128:2
\$59 221:6	165478 32:21	204:4	65 218:12	absolutely 14:6
\$60 221:5	16CV5478 32:8	22 233:17,18	68 218:12	74:20 99:25
\$67 230:7	19 20:8 233:10	24 10:3	7	182:4 235:7
\$964 213:22	1979 214:14	3		abuse 34:13
216:20	1998 19:18	3 151:25	73 15:2	Academy
-	20:25 21:5,20	30 53:15,17	74 15:2	123:21 132:16
--like 189:2	22:22 23:15	191:24 192:22	77 151:17	133:11 148:17
0	24:4 214:20	198:6,7,8,12	79 215:13	178:24
0 199:13	1:25 204:25	236:8	7th 135:19	accept 201:18
1	2	30-minute	153:11 157:8	access 182:5
100 74:18 75:5	2 157:13	66:17	8	accident 150:18
86:24 87:3,7,9	20 193:12	30th 168:24		236:7
88:15,16 222:18	2012 19:25	169:7 173:20	8/31/2015 110:8	acclimated
109 142:5,12	23:12 25:3,16	175:19 176:12	80 20:9	123:19
159:11 164:13	26:20 214:21	177:10 182:22	8th 153:4	accommodate
168:7	215:4	4	9	8:16 113:17
10:53 157:14	2014 16:9 27:15	4 233:8		accommodatio
112 6:10	228:12	401K 225:20	9:00 9:14	n 12:23 106:18
115 60:6	2014-'15 63:17,	226:5,6	9th 157:14	115:21 122:11
11797 6:11	19 80:24 81:5	45 221:5,6	160:15	127:21 132:10
11th 151:19	82:15	4:25 241:6	A	134:23 135:10
181:11	2015 16:9 23:13	5		136:3 149:22
12th 85:6 161:8	45:11 63:20	50-h 16:13	A-D 14:14	153:8 157:2,7
13th 151:16	77:4,21 88:8	237:23	A-L-T-H-E-A	159:16 235:17
162:22 204:20,	90:23 96:3,7	53 14:19 80:17	50:7	accommodatio
25	114:21 135:20	54 14:25	a.m. 157:14	ns 81:10 109:15
14 27:16,18 51:7	149:25 151:17	55 15:2	abbreviated	117:21,23
14-'15 51:4	153:4 157:14	56 14:20 187:4	184:7,8	121:9,10,11
79:14 81:16,25	160:15 161:8	57 14:20	ability 9:9,15,19	122:2 129:10,23
82:7	162:22 166:23	58 14:20 187:4	66:22 209:3	130:17 136:21,
14-15 51:9 85:3	168:24 169:7	59 14:20 187:5	able 7:7 35:11	24 140:10
15 27:15 51:8	181:2 185:6,13,	5th 85:6 166:23	36:8,21 54:5	146:12 147:5
178:4 179:5	22 196:9	169:23 170:3	68:25 69:22	157:20 202:25
15-16 91:6,10,	204:20,25	173:20 181:2	99:20 106:8,21	203:4,14 233:22
14 112:24	209:13,23	198:13	117:24 118:12	234:7 240:20
	211:8,9,12,13		161:25 165:6	accompany
	230:17 237:15,		180:23	128:10
	16 239:13		above 44:2	according 56:8,
	2015-16 187:13		161:8	12 113:10
	2016 13:4 16:13			account 194:17
	17:21 18:15			accurate 7:9
	230:16 237:24			8:8 14:4,6 60:14
	2017 241:19			61:2 152:12,24
				160:18 171:3
				accurately 9:6
				10:14

achiness 94:10	acupuncturists 213:13	119:14 121:13	age 218:11	all 9:18 10:17
achy 9:25	addition 135:12	122:7,22 130:23	agencies 31:6,	14:7 15:16
acknowledge 169:2,9	additional 16:20,22 17:20	132:12 133:5	10 33:18,19,22	22:17 26:10
acknowledging 207:21 208:16	79:10 130:16	134:3 135:5	39:18 45:6	32:20,25 33:4
acted 148:23	146:12 147:4	141:4,7 146:3,	220:20 221:7,8,	35:16 39:3,8,10
action 138:25	186:15 228:15	10 147:8,12	16,22 222:5	40:15 42:20
140:12 200:22	address 6:9	148:3,4 149:13,	226:12 232:15	43:5 50:22
204:5,8	16:3,10 151:10	14 158:23 159:3	233:14 236:17	52:20,23 54:22
active 182:8	205:25 206:14	160:3,20,24	237:11 239:4	56:20 57:12
activity 69:5	207:23 213:9	161:3,6,17,23	agency 31:7	59:14 65:10
actual 14:22	221:16	167:5 172:22	42:18 220:15,21	66:3,23 68:22
37:23 44:16	addressing 173:2 182:15	173:19,25 174:5	221:5 226:18	70:4 76:24 89:7,
70:10 78:7	adjunct 46:11	22 182:17,18,22	233:12	11 91:9 92:2,21
88:18 138:24	83:16	185:7,12 186:8,	aggressive 125:14,17	99:14 102:13
217:5	adjustment 46:14	9,12 188:17	132:16	103:17 106:21
actually 8:5,12	adult 126:19	189:3,6,9,10	ago 9:25 66:3,4	108:13,14 114:4
24:13 30:18	advance 118:11	190:21 191:6	74:19 94:19,21	115:23 120:4,18
31:19 38:12	158:5 159:25	197:20 209:19	210:4 236:6,8	121:25 122:5
43:16 44:8	176:6 179:5	210:23 211:6	agony 95:3	123:5,12,16
47:17,23 51:17,	187:25	213:10 214:5,12	116:16 210:15	125:8,12 126:7
24 55:23 58:25	advice 115:12	222:19 223:2	agree 117:18	132:23 133:12,
59:2 62:7 63:18	advise 170:17	224:3 225:12	160:5	23 140:6 141:3
67:9 69:17	advised 33:24	226:21 240:14	agreed 39:22	155:14 156:11,
70:22 73:5	119:6 163:14	afternoon 121:14 124:12	44:12 139:25	14,15 157:3
76:23 77:25	192:23 193:2	afterwards 72:15 177:8	148:6 149:16	159:20 161:5,12
78:18 86:23	203:19 204:4,7	again 15:25	agreed-upon 138:24	162:4,18 165:2
88:7,11 89:15	206:18 223:5,8,	19:17 48:13	agreement 40:22 41:5	166:17 174:14
90:3 96:3 112:3,	17	49:3,14 50:15	44:17,21 63:5	176:7 178:3
17 113:13,24	affect 9:9,15,18	53:13 54:15	146:4	180:10,24
118:11 132:23	189:17 209:2	55:14 56:10,20	ahead 6:22 7:12	182:8,24 183:25
133:17,24	affected 116:8	57:19 62:11,16	49:16 214:12	184:14,16 187:2
146:20 149:9	229:20	68:22 71:13	aide 128:10	188:5 191:20
150:2 151:9,18	affiants 41:6	72:4 73:18	142:3,8 148:10	193:25 200:12
157:24 159:19	afraid 192:15	74:18 75:10	149:10 159:17,	205:18 206:11
170:13 173:18	after 6:2 12:20	85:11 87:19	22 160:25	211:10 215:6,
176:10 178:20	21:6,18,21 22:8	89:8,18,23	164:19 165:4,	15,17 217:12
179:21 180:6	23:16 24:5,14,	90:11 99:4	19,24 166:4,9	219:2,8 221:21
191:14 196:11	20 26:19 51:11,	112:14 133:10	167:17,25 168:4	224:25 227:16
197:20 198:15	15 63:9 64:16	134:15 137:7,24	179:23 180:7,	228:7 232:15,17
201:24,25	68:4,9 74:7,8	141:20 148:14	13,17 234:20	233:12 235:14,
203:20 204:8	79:2 81:17 91:4	150:25 152:22	240:24	22 238:11
209:19 210:18	93:23,25 94:3	155:4,13 161:3	aide's 166:5	240:6,8 241:3,4
212:5 215:2,11	96:19 98:8,24	164:19 165:16	aides 125:12	allegations 6:18
216:13 217:22,	101:15 102:21	168:12 178:18	126:25 159:11	allege 43:4
25 221:3,6	103:5,7 105:11	180:16 183:25	aids 158:7	alleging 42:11
233:5	107:3 108:22	188:6 208:10	alcohol 10:2	47:5 200:21
acupuncture 212:14		211:24 212:8		213:14 228:19
acupuncturist 212:20		214:20 221:14		allow 17:12
		228:7 231:25		51:17
		against 6:16		allowed 104:18
		35:23 42:4,8		192:12 197:23
		236:3		allowing 7:20
				allows 7:22

almost 48:12 54:8 64:25 142:2 190:13	amend 136:20	226:5 232:7	44:8,13,16,21 45:7,18 47:4,12 48:7,22 55:10 56:21 61:6 62:13,25 63:13 64:8 65:12,18 66:12 68:2,8,9 71:10 72:6,23 73:5,17 76:7 77:19 78:7,13 79:5,8 81:2,6, 10,17,21,22,24 82:2,6,9 84:5,6 85:15 86:2 89:20 91:15 92:9,15 93:4,18, 23 95:9,14,22 96:7 97:17 98:2, 15 99:7,8 101:12,17 102:5,8,12 104:2 105:4,9 108:2,25 111:6 115:4,13 116:7 117:14,20 118:6,14,15,23 119:6,10,17 120:12,16 121:25 122:2,5, 23 127:2,21 128:10 129:8,9, 21,22 130:22 131:22,24 132:10,12 133:7 134:2,20,21 137:11,16,21 138:8 139:13 140:7,16,20 141:4,7,8,13 143:14 144:8,9, 11 145:22 146:9,20,25 147:9 149:20 150:6,12,17 158:14,22 159:23,24 161:20 164:24 165:23 166:16 169:12 170:4,6, 10 171:14,19 172:6,12 173:5, 6,8,12,24 177:11,21 181:8,14,16 182:11,12 183:13 185:5, 19,20 186:16,18 188:23 195:12,	alone 132:15 133:13	amends 67:11 68:25	angry 228:24	17 196:2,4,7,19 197:7 200:15 201:3,15,21 202:5,20,24 203:4,7,11,13, 19 205:18,19 206:11,12,18,24 209:2,14 211:9, 16,17,21,22 212:22 213:12, 16 216:8 217:12,13 219:2,7,8,9,13, 16 222:9,10 223:11 224:10, 18 225:8,11,15, 20 226:4,13,16, 17,20 227:11, 14,16,17 228:14,16,22 232:8 234:6 235:24 236:17 237:2,8,18,20 238:11,19,23 239:20 240:11, 20	among 35:6 41:3	annual 230:6	anybody 31:13 107:11 133:16 158:7 159:7	amount 113:11 216:25	an 6:13 7:9 8:8 10:10 13:3 14:16 17:11,23 19:17 20:13 22:20 30:18 32:3,14 33:17 34:9 35:16 36:11 39:12 43:4 44:23 46:3, 11 49:2 52:14, 17 55:7,20 56:5, 21 58:10,12 59:16 60:14 61:2,4,25 62:12 66:18,20 69:17 72:9,24 75:14 76:10 79:9,12, 13 88:18 93:9 95:13 98:4,6,7 104:9 111:23 119:11 120:22 121:3 123:14 126:19 128:10 131:13 132:4 142:3,8 143:24 146:14 148:10 151:15 152:3,12 153:3,7 155:5 160:14,18 163:7 166:23 167:25 168:23 170:20 171:3 177:18 185:23 186:15 187:11 188:19 189:5 192:7,12 201:7 204:9,19, 24 206:19 209:7 212:19 213:11, 20 218:10 222:5 224:15 226:11, 18 227:15 230:14,25 233:11,21 235:17 236:11	another 27:9 38:13 72:15,18 79:6 126:3 127:4 134:24 135:11 142:9 143:19 150:20 176:22 180:10 189:19 223:19	anything 8:22 13:20 14:9	also 7:15,20 8:9 20:4 37:22 38:9 44:22 51:21 53:25 56:10,18 83:3 111:23 112:12,22 113:10 114:6 148:20 154:7 162:14 167:9,13 168:23 170:23 190:10 194:11 205:8 210:12 212:7,13 223:19	amaze 180:11	amounts 220:21 235:19	answer 6:23,24 7:12,22 8:4,9, 12,20 10:22 11:16,17 13:19 25:24 34:4,7 36:10,17 37:2 40:7 41:23 57:17 70:21 73:25 87:15,23 88:9 120:5 152:23 161:25 170:2 193:15 195:15 231:12, 21 233:10,18 234:15 239:16, 18 240:23	ambulate 118:16	an 6:13 7:9 8:8 10:10 13:3 14:16 17:11,23 19:17 20:13 22:20 30:18 32:3,14 33:17 34:9 35:16 36:11 39:12 43:4 44:23 46:3, 11 49:2 52:14, 17 55:7,20 56:5, 21 58:10,12 59:16 60:14 61:2,4,25 62:12 66:18,20 69:17 72:9,24 75:14 76:10 79:9,12, 13 88:18 93:9 95:13 98:4,6,7 104:9 111:23 119:11 120:22 121:3 123:14 126:19 128:10 131:13 132:4 142:3,8 143:24 146:14 148:10 151:15 152:3,12 153:3,7 155:5 160:14,18 163:7 166:23 167:25 168:23 170:20 171:3 177:18 185:23 186:15 187:11 188:19 189:5 192:7,12 201:7 204:9,19, 24 206:19 209:7 212:19 213:11, 20 218:10 222:5 224:15 226:11, 18 227:15 230:14,25 233:11,21 235:17 236:11	answering 7:16 8:5	any 6:20 7:22 8:15,20,24 9:4,8 10:2,5,13 11:6 12:12,24 13:17 14:7 16:13,19, 22 17:14,19 18:25 22:5 23:16 25:18,24 26:12,14 28:13 29:4,22,25 33:14 35:19 36:4,17,19,20 37:7 41:5 42:3	although 103:14 138:13 179:21	and/or 77:17 79:22 80:11	anti- harassment 206:20	anyone 11:9 16:6,9 35:7,10 41:4 48:4 55:4, 25 63:22 67:18 72:3,11 77:10 79:19 80:6 81:22 82:10 93:8 97:18 98:15 99:2 101:13 107:19, 23 112:6 127:14,18 130:15 133:18 137:8 141:24 146:25 170:14 174:6 188:9,11, 13 191:16 192:18 194:14 211:21 214:8 234:12 236:5,16 237:19 238:12, 20 240:18	altogether 27:2	anticipate 128:18 193:23	anybody 31:13 107:11 133:16 158:7 159:7	always 25:10 50:14 70:9 84:15 85:7 90:15 133:14 141:21 142:2 143:25 144:25 148:10 159:9 184:7 190:13	anticipating 170:2	anyone 11:9 16:6,9 35:7,10 41:4 48:4 55:4, 25 63:22 67:18 72:3,11 77:10 79:19 80:6 81:22 82:10 93:8 97:18 98:15 99:2 101:13 107:19, 23 112:6 127:14,18 130:15 133:18 137:8 141:24 146:25 170:14 174:6 188:9,11, 13 191:16 192:18 194:14 211:21 214:8 234:12 236:5,16 237:19 238:12, 20 240:18	amazed 180:11	any 6:20 7:22 8:15,20,24 9:4,8 10:2,5,13 11:6 12:12,24 13:17 14:7 16:13,19, 22 17:14,19 18:25 22:5 23:16 25:18,24 26:12,14 28:13 29:4,22,25 33:14 35:19 36:4,17,19,20 37:7 41:5 42:3	anything 8:22 13:20 14:9	amazing 22:7	and/or 77:17 79:22 80:11	anybody 31:13 107:11 133:16 158:7 159:7	ambulate 118:16	anticipate 128:18 193:23	anyone 11:9 16:6,9 35:7,10 41:4 48:4 55:4, 25 63:22 67:18 72:3,11 77:10 79:19 80:6 81:22 82:10 93:8 97:18 98:15 99:2 101:13 107:19, 23 112:6 127:14,18 130:15 133:18 137:8 141:24 146:25 170:14 174:6 188:9,11, 13 191:16 192:18 194:14 211:21 214:8 234:12 236:5,16 237:19 238:12, 20 240:18	almost 48:12 54:8 64:25 142:2 190:13	amend 136:20	226:5 232:7	44:8,13,16,21 45:7,18 47:4,12 48:7,22 55:10 56:21 61:6 62:13,25 63:13 64:8 65:12,18 66:12 68:2,8,9 71:10 72:6,23 73:5,17 76:7 77:19 78:7,13 79:5,8 81:2,6, 10,17,21,22,24 82:2,6,9 84:5,6 85:15 86:2 89:20 91:15 92:9,15 93:4,18, 23 95:9,14,22 96:7 97:17 98:2, 15 99:7,8 101:12,17 102:5,8,12 104:2 105:4,9 108:2,25 111:6 115:4,13 116:7 117:14,20 118:6,14,15,23 119:6,10,17 120:12,16 121:25 122:2,5, 23 127:2,21 128:10 129:8,9, 21,22 130:22 131:22,24 132:10,12 133:7 134:2,20,21 137:11,16,21 138:8 139:13 140:7,16,20 141:4,7,8,13 143:14 144:8,9, 11 145:22 146:9,20,25 147:9 149:20 150:6,12,17 158:14,22 159:23,24 161:20 164:24 165:23 166:16 169:12 170:4,6, 10 171:14,19 172:6,12 173:5, 6,8,12,24 177:11,21 181:8,14,16 182:11,12 183:13 185:5, 19,20 186:16,18 188:23 195:12,	17 196:2,4,7,19 197:7 200:15 201:3,15,21 202:5,20,24 203:4,7,11,13, 19 205:18,19 206:11,12,18,24 209:2,14 211:9, 16,17,21,22 212:22 213:12, 16 216:8 217:12,13 219:2,7,8,9,13, 16 222:9,10 223:11 224:10, 18 225:8,11,15, 20 226:4,13,16, 17,20 227:11, 14,16,17 228:14,16,22 232:8 234:6 235:24 236:17 237:2,8,18,20 238:11,19,23 239:20 240:11, 20
---	---------------------	-------------	--	-------------------------------	------------------------------	---------------------	---	---------------------------	---------------------	--	--------------------------------	--	--	------------------------------------	---	---------------------	---------------------------------	--	---------------------------	--	------------------------------	---	--	------------------------------------	---	---	------------------------	------------------------------------	--	--	------------------------------	---	----------------------	---	------------------------------------	---------------------	------------------------------------	--	---------------------------	------------------------------------	---	---	---------------------	-------------	--	---

16:15 35:9 41:15 43:15,22, 24,25 44:11 47:8 58:23 61:23 62:17 64:19 66:12 67:15 69:11,14 71:15 75:12,20 76:2 77:23 78:3, 9 87:5 93:11 95:14 96:11 100:25 104:7 105:3 106:14 108:10,19 112:6 114:3,8,10 117:25 118:19 119:21,24 122:6 125:3 126:19 127:25 128:13, 20 132:8 134:2 138:3 140:7,12 141:9 143:10 145:8 146:15 148:5 149:15 150:13 156:2 166:12 171:7,19 172:15 173:16 174:16 175:12 178:13 181:21 182:10 190:8 191:9 193:10 200:21 201:13 202:8,15 209:15,16 211:11 213:13 216:24 225:13 231:3 237:10 238:21 240:12 anyway 49:14 71:16 127:5 anywhere 52:21 53:19 170:11 194:20 221:25 222:7 231:4 236:20,23 AP 56:10,15 149:4 apologized 159:19 160:25 164:22 appalled 193:22 appeal 200:14 202:17 appealing	200:24 appeals 197:9, 10 appear 187:23, 25 appeared 126:16 appears 205:5 206:8 applicable 228:11 application 227:11,18 applied 60:11 63:5 222:9 227:25 apply 227:19 appointed 82:20 appointment 98:4 107:7 appointments 103:14 appreciate 186:11 appreciative 162:10 appropriate 29:9 71:2 232:6 appropriately 167:18 232:17 approved 203:20 204:2,8 approximately 21:5,18 23:16 217:18 229:19 230:4,20 approximating 85:6 approximation 20:13 April 13:4 16:13 17:21 18:14 237:23 area 56:8 148:20 155:3	areas 92:22 aren't 134:16 argued 196:14 around 28:4 67:13 118:16 126:12 141:21 209:11,22,23 aroused 178:9 arrange 100:3 108:22 arrangements 146:5 arts 20:21 as-needed 119:12 aside 118:13 ask 8:2,19 13:17,20 15:6, 13 19:13 24:13 35:2 40:13 44:15 48:22 56:13 57:19 59:15 60:3,12 61:9 66:5 67:7 71:12,16 77:2 83:9 86:18 87:2 89:11,18 97:9 103:6 108:24 110:5 112:6,7 117:17,20 119:14 120:9 122:22 127:21 133:5 135:18 137:24 138:13, 19 139:16,17 151:14 160:13 161:7 165:3 166:20,21 167:2,4 169:17 171:13,14 172:22 174:20 185:19 187:2 189:4 190:25 195:16 207:8 208:6 209:12 219:7 229:24 234:6 asked 29:21 33:18 46:20,21, 22 48:12 51:15 53:12 67:4 78:22 79:9 83:2,	6,10,18 89:17 99:14 112:3 120:11 128:25 131:22 143:15 144:21 145:5,10 151:5,7 155:19 156:23 161:18 169:25 171:23 184:12 191:6,18 194:4,5 225:6 232:12 236:22 237:22 240:10 asking 6:17 8:2 19:12 33:12 55:18,19 58:16, 17 77:7 87:10, 12 90:2 99:7 119:19 161:24 167:20 195:6 203:18 asleep 178:8 assign 83:23 131:8 assigned 49:25 50:2,13,14,23 57:9 112:14,25 156:18 197:24 assist 81:11 134:7,11 137:22 163:10 164:13 assistance 117:21 118:2,6, 16 119:8 122:3 127:21 129:9,23 130:17 132:10 134:23 138:9,12 140:10 141:24 145:23 147:4,11 149:21 158:18 159:24 160:7 162:25 163:5 164:3,8 assistants 60:17 Associates 6:14 33:4 assume 6:25 97:13 232:13 assumed 76:18 139:17 assured 68:21 103:21 104:5	116:18 128:5 129:16 183:18 at 7:18 8:15 9:13 12:25 13:8,9,11, 12,22,25 15:5,7, 9,21,24 16:2,9, 12 18:21,22 20:3 21:11 22:19 24:2,4,7 26:18 28:9,18 29:11 30:11 31:7,13 32:2 37:9,21 38:2 42:14 45:5,12, 23 46:4,23 47:2, 9,16 48:13 50:6, 11,24 51:3,11 52:11,12,15 53:8 54:9 55:10, 24,25 56:18 57:12 58:5,10, 12 59:2,16,17 60:3,7,8,13,17, 20 61:2,4,25 62:6 65:2,9 67:23 68:22,23 70:4 71:20 72:3 76:8,11 79:9 80:16,18,24 81:17,19,22,24 82:6,17 84:12 85:7 90:5 91:24 93:10 94:9 95:19 98:15 99:2,20 100:3 101:12,13 102:13 103:22, 24 104:3 105:21 106:19 107:23 109:14,23 110:6,21 111:2, 5,13,17 112:8 113:3,22,23,24 114:2,4 115:13, 15,18 116:19,25 118:5,23 120:15 121:22,25 122:4,5,25 123:6,9,17,18, 21 125:6,21 126:7,21 127:14,23,24 128:3,8 130:16 132:5,19 133:10 134:3,21,24,25 135:18,22 136:19 137:4,5,
--	---	--	--	---

12 138:16 139:10 141:2,4, 7,11 142:6 144:10,11 146:16 149:5,8, 22 151:15 153:11,18,25 154:5 155:6,14, 17,18 158:3,18, 22 159:8 161:5, 7,20 162:4,9,16, 20 163:18 164:17 166:21 167:3,21 171:5, 7,14,22 172:5,8, 13 173:19 174:9,13,19 175:6,7,15 176:3,7,9,13,20, 21,22 177:22 178:20,22,24 180:6,11 182:4, 7,25 183:20,21 184:13 185:23 186:2,18 187:3, 6,16 188:2,17 189:13,21,23 190:5,10,16 191:8,21 192:8, 22 193:6,9,19 194:13,17 196:12 197:5 198:5,20 201:4 202:6,9 203:7, 11,19 204:4,7, 17,25 205:25 206:4,21 207:8, 12 208:2,3,6 210:13,19 211:11,14,17,21 212:4,20 213:15 214:14 215:10 216:13 217:21 218:10,13,15 222:10 223:6,24 224:23 229:5,22 230:2,3 231:6, 14 233:19 235:5,9,12,14, 17,23 237:15, 19,23 238:2,3, 23 240:18 241:6 ate 76:24 126:5 attack 116:5 attempts 219:9 224:18 225:9,15	attend 59:17 110:24 195:5,6 attendance 237:10 attention 130:15 233:5,7 attorney 6:13 7:22 10:24 11:12 13:4 35:17 40:20 41:10 75:15,25 77:17 80:11 111:23 192:7,9 205:24 206:15 213:10 231:15 238:21 attorneys 41:4 August 85:6 92:6,7,8 96:3,7 116:15 209:23 210:23 211:5 237:15 authorization 44:23 212:19 213:11 227:15 authorizations 228:10 237:5,7 automatic 48:12 49:6 52:10 available 38:4 124:10 Avenue 50:3,6 56:18 57:9 123:18 139:10 144:24 183:20 avoid 119:7 122:18,19 139:14 aware 10:18 66:24 85:25 86:15 96:12 132:20 206:25 234:8 235:2 away 68:13 135:7 137:8 139:21 157:3	B B-E-E-R 93:7 babying 113:7 back 8:11 12:21 13:10 14:3 19:10 22:15 23:3,11 24:17, 19 29:16,19 38:18 40:11 42:21 43:6,18 47:2 51:23 57:23 68:13 69:23 75:15 76:16,18 79:22 85:14,23 86:4 92:14,16,23,25 94:17 95:11,21 96:8 97:10,18 104:19 106:12 108:17,23 115:4 124:16,18,23,24 126:9 132:3 136:25 142:11 144:14 146:14 150:2,3 151:24 154:19 155:16, 17 157:10 161:20 163:7 164:21 165:5 167:3 175:9 179:8,10,24 180:9,12,18,19 188:3,16 192:14 194:4,5 199:3,4 201:15 209:2,16 211:21 212:5 214:14,16,19,23 215:10,13 216:9 217:10,23,25 219:10 224:24 237:20 background 16:14 32:16 33:11 bad 98:3 badly 67:10 badmouth 33:22 Bagly 229:4 balance 132:25 133:2 165:9	225:25 barely 102:7,11 bargaining 63:5 Barrett 56:16 57:5 99:14 194:7 base 100:6 baseball 65:25 based 38:3 58:22 70:10 98:9 198:22 214:22 basically 34:21 36:5 41:13 62:18 193:8 basing 74:3 basis 10:6 86:20 119:12 122:8 Bates 14:19,20, 25 60:6 80:17 110:8 151:17 Bates-stamped 187:4 207:10 208:5 bathroom 210:20 bearings 124:21 became 21:14, 25 23:10 28:4 116:16 164:18 170:24 180:9 192:4 because 8:10 14:21 22:2,3,16, 17 23:3 24:5,21 26:21,24 27:2 33:20 34:7 35:3 37:4,11 48:12, 13,18 49:14 51:17 53:12,13 54:5,19 55:2,14 56:20 59:14 61:5 64:22 65:2, 3,25 66:9,18 67:9 68:18,22 76:24 77:12,22 78:16,23 81:11 83:8 84:10	85:13 88:12 89:6,23 93:21 94:5 98:7,13 99:12,22 101:21 103:11 105:18, 19 111:21 112:17 113:8,11 114:14 122:4 123:25 125:11 126:4 128:25 133:16 135:6 137:7 139:10 141:2 142:4 143:7,25 144:15 147:25 148:14 149:11 156:24, 25 158:3,6,8,11 159:5,8 161:21 165:10 174:17 175:16 177:3,4, 9 178:12,19 179:8,23 180:5, 7,10 182:24,25 183:3,4,5,25 185:24 186:5,10 189:9,11 190:12,13 193:22 194:11 196:19 198:12 210:9,20 212:4 215:8,12 216:7 217:23 223:9,14 224:23 227:6 230:5 234:4,8 235:10 240:14, 21 become 21:16 52:16 81:24 82:12 155:20 218:23 becomes 21:14 49:5 184:3 215:21 becoming 23:14 beeline 179:4 been 6:2 10:15 11:4 16:13 17:24 28:5,8 35:4 45:6 53:4 54:23 55:3,24 60:4 77:12,15 87:25 90:15 92:6 96:25 97:22 99:13
---	--	--	--	---

102:9 112:25 114:23 115:4 128:10 133:19, 20 135:19 144:24 148:2 152:18 156:21 161:17 174:7 177:4 183:22 184:9,11 189:9 191:2 202:11 204:8 205:20 206:13 207:9 208:4 209:8,13 222:6 229:19 232:18 236:19, 22,25 238:13	behalf 65:19 229:14 behavior 167:11,14 behavioral 169:10 behind 175:10 being 13:3 36:19 46:18 47:5,9 66:24 103:20 104:5 106:12 117:24 118:20 124:22 134:19 178:13 191:21 194:2 208:19 209:10 217:14 236:8 believe 14:21 20:25 89:21 90:8 believed 86:21 benefits 23:6 24:25 30:16 214:13 215:18 217:16 224:24 226:20 227:12, 19,21 228:2 besides 78:15 best 58:19 better 41:22 94:3 100:5 103:10 105:20, 21 106:5,10 113:5 116:18 138:16 182:18 between 15:22 28:18 82:14 96:5 104:14 107:17 109:6 144:14 196:23 198:2 204:20 205:18 206:11 211:8 beyond 16:23 big 112:4,5 144:22 154:15 155:6 179:8 180:10 191:22 birthday 126:4 bit 32:3 44:4	47:2 51:23 66:18 106:11 142:11 196:15 217:17 bizarre 94:22 190:12 blah 100:5,17,19 224:24 bleeding 150:11 blondish 166:7 blood 211:18 board 20:2 22:15 25:4 26:15 42:5 46:22 47:3 48:5, 14 53:16 63:11 85:18 202:21 203:19 214:19 215:3 227:17 236:4 237:6 Bob 75:14,20,22 77:16 79:22 80:11 88:23 154:7 155:12 156:24 170:19 182:6 187:18,25 188:11 191:6, 10,19 192:10, 14,18 193:23 196:18 199:20, 21 202:19 223:19,20 BOCES 6:15 18:22,24 20:3 25:17 26:22,24 27:4,5 28:5 31:13,25 45:5, 10 47:16 49:23 50:24 51:12 52:3,15,18 53:9, 19 54:10 55:24, 25 58:11,13 59:13,16 60:16, 17 61:4,25 62:11,21 64:22 65:3 68:23 75:8 76:8,11 81:19, 22 82:17 91:24 96:6,9 97:18 98:15 99:2 101:13 109:14, 20 110:13,21 136:7 141:3,11	146:21 187:13 188:9,10,14 191:17 194:13, 17,18 198:20 201:22 202:6,9, 21 203:20 206:3,6,17,25 207:22 208:17 211:14 213:15 215:5,7,8 216:13 217:7 218:6 222:4,11 223:8 224:23 225:6,13,16 226:14,21 227:23 228:2,9, 16,21 229:11, 15,16,21 230:3, 5,12 233:22 235:5,9,13,17, 24 236:4 237:19 238:15 240:18 body 92:22 143:24 179:15 235:21 Bonnie 154:4, 10,21 155:21 156:6,12 158:8 159:15 161:21 164:25 166:10 168:13 170:23 174:10,11 175:9 223:15 both 7:8 36:21 37:15 38:4,22 107:9 183:10 199:24 bothered 68:22 bottom 153:2 162:21 172:21 204:24 207:17 bought 42:15 217:25 box 74:14 boxes 122:21 break 8:15,21 51:15 120:7,10, 19 121:6 breed 55:15 bring 99:23 104:17 129:2 130:14 234:22,	24 bringing 146:17 brought 68:13 124:10,13,23 126:5 146:20 180:18 212:17 building 46:10, 11,12 67:13 83:16 99:19 112:18 125:16 197:23 buildings 118:17 147:10, 17 bureaucracy 85:18 business 219:25 but 7:7 8:2 10:17 14:5 15:8 16:16, 17 18:12,18 19:18 20:3,11 22:2,7,19,21,23 23:2,7 24:5,21, 25 25:10 26:10 27:7,22 29:10 30:15 34:3,17, 22 35:5 36:20 39:13 40:10 41:10,15 42:25 46:2,12 47:20 48:11,19 49:13 50:8,12 51:2,20 53:20,25 54:7,9 55:2,5 56:20 58:24 59:4,19 60:11,14 62:7, 13,16 69:7 70:9, 20,21,22 71:2 73:8,10,21,24 74:18 75:3,5,10, 11,13,19 76:15, 18 78:11 79:24 83:15,18 84:10, 20,21 85:7 86:5, 15,21 87:11,18 89:5,18 90:22 93:21 94:11,22 95:5,6 97:5,14, 25 98:7 99:5,14, 23 100:21 103:10,21 104:13,18,21 105:15,22
--	--	--	---	--

106:5,10,18 107:5,9,12,15 108:17 111:22, 24 112:21,23 113:6,15 114:6, 19 116:17 118:5,12,13 120:2 121:23 122:15,19 123:13 124:5,8 125:11,17,22 126:20 127:7, 10,17 128:22 129:4,20 132:6, 15,23 133:12,22 134:15 135:3,5 136:23 137:6,18 138:16 139:17, 21 140:18,21 142:8,9 143:23 145:2,16 148:22,24,25 149:2 150:9,19, 22,25 151:4,8, 18 154:17,18 155:5,17,25 156:8,10,16 157:5,13 158:3, 4,11,23,24 159:13,18,19 160:11 161:3 162:15 163:7, 11,12 164:21,25 165:12,22 166:7 168:16 169:5 170:3 171:11, 16,18,24 174:17 176:20,22,25 178:13,23 179:2,8,19,20 180:14,20 181:4,7 182:3,4, 8 183:18 184:21,23 185:11 186:8,11 189:12,14,16,20 190:18 195:9,16 196:16 198:15, 20 199:20,25 200:2,3 206:5, 21 209:8,25 210:3,8,10,13, 24 211:7 212:18 213:10,22 215:11,17,19 216:17,23 217:13 220:21 221:5 222:18	223:4,10,13,19 224:8 225:18 226:7,24 227:8 228:6,9 230:6,8, 24 234:3,11 235:12,15 236:7 237:6 238:24 button 66:23 67:14 buttoning 69:3 buy 214:23 215:10 217:23 219:10 <hr/> C <hr/> call 31:19,22 33:21 35:14 37:10,15,21 38:5,14 39:12 40:11 44:20 62:14 64:17 65:9 78:25 87:19 89:25 101:5,25 102:3 103:18 105:5 106:4 108:20 109:6,10,11 147:23 155:3, 12,15 205:16,21 212:18 213:11 217:5,11 218:25 226:3 227:10 238:9 called 30:10 53:14 79:9 91:25 98:3,17 99:12 100:8 101:10,16 105:22 124:25 127:6,8 153:25 155:9 194:5,11, 13 210:25 calling 60:24 61:18 70:2 99:13 195:2 came 37:19 47:21 59:22 71:24 126:22, 23,24 135:10 149:4 154:19 174:18 175:9 178:10 180:19 190:22 192:14	201:11 203:17 214:19 campuses 118:9 can 10:23 18:19 29:13 30:14 31:10,12,15 32:11,12,19,25 36:5,9 37:5,9,10 38:2,5,9,23 39:3 40:13 41:10 57:21 58:19,23 59:24 60:13,22 62:5 64:25 67:6 70:15 71:8 82:13 87:18 88:13 99:21,22 100:3 101:4,6 109:25 114:11 120:9,19 123:22 129:2 133:3 134:20 135:15 144:22 149:3 151:10 154:14 155:2,7 156:20 159:18 160:13 161:19 166:21 167:3,23 182:20 185:11 199:14 204:11 205:14 206:5 207:4,22 208:8 209:5 213:9,18 214:23 221:18 222:23 223:4 225:17 233:24 234:9,23 235:2 239:16, 18,21 240:23 can't 10:15,22 11:16,17 35:2 36:19 46:2 50:8 73:25 75:3 99:16,23 107:10 129:4 138:14 163:19 165:9 167:25 192:16 195:5 200:20 234:10,15,24 235:13,19,20 canceled 217:9 cannot 234:9 canvased 222:23 canvasing	225:12 capacity 55:6,8 capitals 233:12 car 236:6 C 77:5 care 19:24 61:11 64:24 76:21 careful 111:10 124:22 128:23 130:5 132:21 133:3,20 134:19,22 209:8 Carmine 187:19 Carolyn 6:13 31:24 33:3 carry 114:13 129:3 209:10 234:23 235:14 Casalini 32:6, 19,24 33:8 36:7 37:5,18,25 38:9, 15,21 39:2,5,6 case 31:25 32:6 34:17,25 41:3,6, 9 42:12 84:11 85:24 129:10,23 159:13 172:7 200:22 236:9 caseload 123:3, 22 131:9,20 139:6 183:6 184:15 cases 30:6 34:19 40:22 CASTELINO 39:9 cat 129:2 cause 22:10 27:25 44:15 60:21 61:19 64:22 88:17 89:18 98:21 119:4 124:10 125:5,7 128:4 132:19 133:13 135:10 153:14 154:14,16 155:3,13 156:21 163:19 164:17 165:2 177:5	179:10 184:14 188:4,5 192:9, 11 193:3 194:2, 10 195:6 206:8 233:25 caused 239:22 causing 212:6 CCA 46:11 50:2, 11 57:9 67:23 71:20 84:12 99:13,17 106:6 112:14,17,25 121:15 122:25 123:17 125:6,21 127:24 128:3 137:4 139:10 144:9,11 148:18 155:4 156:2 171:22 172:8 174:9 176:9,14, 18,19,21 177:3 178:22 180:11 182:4 183:21 184:13 186:18 188:4 189:21 190:5,10 194:4, 14 CCS 152:4 160:16 161:10 censured 17:24 center 46:13 centrally 148:20 certain 23:6 33:18 40:22 207:2 218:23 223:2 certainly 35:5 41:10 223:12 certainty 59:4 certificated 17:10 certification 17:12,14 certifications 16:15 17:20 cetera 46:25 75:16 98:7 123:9 131:23 178:5 209:11 231:4,5 240:10
---	--	--	---	---

chain 151:16 205:11	chose 237:2	clients 33:21 34:3 35:18,19 239:17	communicatio ns 81:22 101:17 102:13 146:9,25 173:8 205:18 206:11 219:8 238:11,19	conclusion 80:24
chair 94:6 175:5,7,9	Chris 112:15,21 156:2 194:7,12	clinicians 209:15	community 34:10 46:13	condition 92:16 93:24 98:10 108:25 113:4 115:20,24 116:8 119:7 131:25 133:21 137:12, 14 143:10 146:11 147:11, 19 155:22 160:7 165:5 183:4 203:13 209:7 223:14 240:21
chairs 175:2,3	Chris's 112:20, 22	close 193:12	commute 24:21 27:3 28:3 54:3,6 215:19	conditions 63:6 81:6 209:16 237:20
challenge 199:2	chronic 92:16	closed 184:5 221:18	comp 150:12	conference 37:21 64:8 152:16 173:25 174:11,22 185:19,21 186:15 195:18
challenging 118:5 200:24	circumstances 141:19	closing 238:25	company 217:4	conferences 61:7
chambers 39:13	city 19:4,14 20:2,7 21:20 22:15 24:14 25:4,19 26:19, 23 28:12,19,21 29:25 42:5,9 44:25 46:22 47:3 48:4,14 53:16,18,20 54:4,23 63:11 85:18 214:14 215:9 236:4 237:6	clothes 69:18	complained 164:7	conference 38:5
chance 15:6	civil 21:9 23:10, 13 27:10,13 47:19 51:17 191:23 222:15, 17,19 224:19 225:12	clue 154:5,6,8, 23 155:22	complaining 164:19	confidential 35:6 39:24 40:19 41:14 66:10 155:3
change 19:8 57:12,24,25 58:2 93:24,25 178:4 186:9	claim 41:9 150:12 232:8	COBRA 213:21 214:7 216:16 217:4,14	complaint 12:15	confidentiality 39:23 40:22 232:14
changed 14:10 22:2,3,4,18 23:7 174:16 184:15 186:7,12 189:12 192:3	claims 42:3 47:4	cohesive 56:22 215:8	complaints 47:5 135:5 161:4	confirm 181:17
changes 16:14 77:11 196:19,21	clarification 40:13	colleagues 160:6	complete 150:17 182:8 205:17	confused 29:14 155:4 175:18 233:23
changing 239:25	clarify 53:2 75:11 94:10 96:22 147:25 156:15	collective 63:4	completed 69:5 80:13	confusing 148:2 176:2 202:11
charge 220:12	class 180:9	combination 92:22	completely 34:12	confusion 89:19 176:24
charges 47:4 146:17,20	classroom 144:20 163:16 165:20	come 32:4,12 37:11 38:18,24 90:2 100:21 108:23 115:11 134:11 185:24 187:22 188:3 196:21 217:10	complicated 200:3	consent 71:4
chart 90:9,18,20	clean 178:5	comes 208:21 215:17	complication 184:3	consider 38:22
check 90:23 182:9 217:7	clear 155:20 164:18	comfortable 46:24 49:19 67:2 123:2	computer 89:13 182:4 216:23	considerable 113:11
checks 90:12 217:8,9	clerk 39:7,14	coming 98:15 100:9 178:23 189:16	concept 100:9	consideration 161:13 162:13
child 42:15,17 69:23 124:4 143:16,24 159:6 162:25 163:5 220:24 227:5 234:19	client 86:18 88:14	commend 101:21	concern 33:21 48:17 64:23 68:20 108:25	
child's 159:7	client's 35:22	common 7:5	concerned 64:22 68:18 106:6,7	
children 11:6 29:8		communicated 108:5	concerns 101:2 137:17 167:10, 14	
Chirelcheck 194:7,12		communicatio n 20:21 79:5 99:9 105:12 108:2 185:9 202:5 224:15 227:14 239:24	concluded 199:12 241:6	
choice 220:14				
choose 83:23				

considered 22:16 23:4 188:20 constant 156:11 constipated 210:19 contact 25:11 35:10,20 97:17 98:15 101:13 127:14 154:7 contacted 27:5, 7,12 45:16 225:12 contacting 35:12 41:18 continue 25:24 37:6 218:7,15, 20 continued 40:8 67:14 218:5 239:3 continuing 17:2 18:8 contract 29:6 30:7,11,21,23 215:23 220:8,10 221:22 contracted 63:4 contractor 221:23 222:6 226:12 230:25 233:11 contracts 237:10 contribute 214:25 contributions 215:12,14 control 69:23 87:20 167:15 180:23 conversation 7:5 12:7 65:16, 18 70:4 71:18, 25 72:7 82:8 84:5 99:8 101:15 102:9,22 103:9,25 104:25	105:12 106:15 108:12 127:7,20 131:5 132:7 136:11,14,16 137:2 139:12 141:5,7 146:2,7 147:7,15,22 149:13,16 155:7 157:25 159:3 160:2,20 165:18 174:16 192:10 195:22 conversations 70:5 71:13 84:6 convey 235:8 conveying 34:23 78:4 158:14 copies 75:9,13, 16 76:6,23 79:22 89:7 194:22 217:8 copy 49:2 63:8 76:3,12,13 77:14 79:16,23, 25 109:19 110:11 171:18 181:5,10,24 187:11 188:19 196:11,13 197:5 204:18 206:18 238:6 Corelcheck 112:15 156:2 correct 10:21 18:22 20:5 22:12 25:5 28:23 51:4 58:6 63:20 77:6 80:6 84:24 86:23 96:18 97:13 98:12 114:16 144:10 162:15 166:4 171:25 184:22 193:5 219:22 237:24 corrected 14:10 corrections 13:10 14:2,5,8 cost 217:13 costs 217:14	could 8:2 30:10 35:5,17,18 36:14 38:13 41:18 42:18 51:18 53:11 54:13 55:8,12, 21 57:19 58:15 67:5 73:23 83:7 86:25 102:7,11 103:16 104:3 106:10 108:16, 23 113:7 114:3 118:2 125:6,11 131:9 143:25 154:24 162:20 165:11 179:5,17 180:2,6 188:20 198:11 212:2,4, 8 215:10 couldn't 95:17 98:8 103:14 104:15 108:15, 16 113:5 114:6, 10 116:15 124:17 125:18 133:22 156:20 178:9 184:13 238:4 240:13,21 counsel 31:24 32:2 34:5,15 35:21 88:13 county 29:5 31:2 couple 12:9 47:15 79:2 95:12 102:20 124:7 145:10 161:9 183:22 209:25 238:24 course 9:17 10:12 33:14 35:25 48:3 106:16 107:9 114:5 138:24 157:4 162:14,15 184:20 230:18 232:10 courses 16:17, 25 230:8 court 7:7,17 41:25 43:8 192:17 200:15 221:16,20 239:4	court's 231:22 cover 201:16 coverage 213:24 214:7 216:16 217:15 covered 214:8 covers 216:11 CPSC 29:6 credit 217:18 credits 16:15,23 18:9 CSC 59:13 CSCS 59:17 cubical 178:25 curious 239:7 current 16:3 161:13 208:20, 23 231:16 232:7 237:11 currently 16:6 219:22 221:8 222:2 239:5 cut 220:16 <hr/> D <hr/> daily 10:6 damage 222:15 damaged 219:17 damages 213:16,18 232:9 dark 190:24 date 51:5 64:12, 13 96:7 197:22 198:3,10 204:9 208:4 216:16 dated 153:4 dates 29:11,14 57:25 79:4 107:5 day 30:3 38:10 72:5 84:19 97:2, 15 98:16,22,23 99:3,9 101:9 103:5,7 105:23	106:25 123:13, 24 124:3,11 128:11 137:6 188:4,9 198:12 227:5 234:25 day-to-day 25:11 148:9 days 26:23,24 48:17,18,19,21 49:24 53:15 83:6 84:24 85:7 96:21,23 105:17 107:12 125:6,20 127:24 198:6,8, 12 211:6 days' 53:17 191:24 192:22 deadline 183:3, 12,25 deal 112:4,5 134:12 144:22 154:15 180:10 dealing 22:11 149:22 dealings 84:3 debating 51:5 106:8 debilitated 104:15 113:7 116:17 Debilitating 94:12 decided 25:2 47:22 56:13 66:23 decision 161:20 deduct 229:25 deemed 29:9 DEF 14:25 DEF114 60:6 DEF20 207:10 DEF22 208:5 DEF52 110:8 DEF72 15:2 DEF75 151:17 DEF77 151:25
--	---	---	---	---

Defendant 14:19	depends 182:3	36:4 44:15 48:14 56:11 57:24,25 58:2 61:9 69:7 75:11, 17 79:25 97:13, 14,15 98:23 100:13,24 103:19 104:7 112:3,5,6 113:8 114:14 119:20 122:15 124:14 126:18,19,21,25 127:12 128:15, 16,17,18,22 129:19 130:19 131:21 133:16, 17,19,24 134:25 138:8,12 139:5, 6,16 142:8,24 143:21 144:8, 11,13,21 145:2, 9 147:22 150:8 154:13,15 155:6,13 156:9, 10,12,16,21 158:11,21 159:5,7,12,13, 14,16 160:11 161:22 163:12 164:23 166:15, 18 168:9,12 169:9 171:16 172:6 174:8,16 175:23 178:20 179:2,16 180:15,23 182:9 183:21 185:4 186:9,21 189:2, 22 190:23 192:6 193:15 194:24 195:9 197:4 199:25 210:17, 24 213:2 223:5, 15 230:9,13 234:11 235:14 239:25	234:22 240:12	disclosed 35:4
Defendant's 14:16,20,25 15:2,16 59:25 60:4 80:17 110:3,6 135:16, 19 166:22 204:13 207:6,9 208:4 233:3	deposition 32:3,12,17,18 33:14 37:7,19, 23 38:13,19 39:20 40:8 213:10 221:17 232:2 238:25 239:2 241:5	difficult 7:17 54:2 142:3 143:5 163:15 164:25 166:10, 18 215:19	disclosure 239:4	
defendants 33:5 34:13,18, 25 35:7 41:18 236:5	describe 58:17 112:9	difficulties 153:17	discovered 215:7	
defense 31:24 34:15 41:8	description 60:5,14 61:2,15	difficulty 142:6, 13	discovery 32:11 35:4,13, 25	
definitely 98:17 126:24 177:3	desk 46:4 101:10 124:18 150:4 174:21 175:2,3,6,8	Dinae 24:10	discrimination 42:4	
definition 182:18	desks 149:5	direct 170:14 233:7	discuss 109:15 121:8 122:10 136:15 174:2 185:21 188:14 195:3	
degenerative 115:4,9	despite 24:23 116:19 133:20 179:18 188:22	directed 36:16 39:14 111:6 154:7,17 163:24 187:23,24	discussed 41:2 46:19 47:9 72:10,25 81:19 106:4 117:7 118:20 135:8 136:11 137:20 153:20 157:24 158:2,3 159:22 160:19 164:15 165:19 167:10, 13,21 181:17 191:21 198:23	
degree 20:12,17	detailed 15:7	directing 233:5		
degrees 16:14, 16,20 20:19	details 83:19 137:19 150:21	direction 36:20		
demand 44:23 221:15 228:7 231:25	determine 134:20	directive 104:2 136:10		
demanding 219:14	develop 234:6, 11 235:4	directives 136:10		
demands 228:6	developed 233:21 235:9, 16,18	directly 45:7 110:16	discussing 121:7 164:12	
demotion 23:19	developing 183:10	disabilities 8:24 9:4	discussion 31:18,21 33:23 39:11 47:12 48:8 64:18 65:19 68:9,17 78:9,11,21 79:2 81:17,21 85:12 115:18 116:7 117:10,14 118:15,23 119:6,10 121:22,23,25 129:8,21 131:17,24 136:19 137:16, 21 139:13 140:2 147:9,12 158:14 168:23 170:23, 25 173:12 175:13 177:11, 21 185:9,14 186:25 191:22 192:21 195:12 201:4 237:13	
denial 200:14, 24	device 138:10	disability 12:23 81:6 186:8,9 202:25 203:5,13 209:2 227:19 240:14		
denied 149:23 200:10 203:25	devices 138:8	disabled 192:4		
department 17:16 19:4,14 20:7 21:5,20 22:3 24:14 25:19 26:16,19 28:13,19,22 29:25 42:5,9 44:12,25 54:23 215:9	diagnosed 93:10 104:11 114:17,23 115:4	disc 93:11 97:25 115:2,8		
depend 220:13	diagnosis 114:18,19,20	disciplinary 12:20 146:20,22 147:13 154:3 161:18 164:18 167:6 175:17, 22,24 189:13 191:7 240:5		
depending 29:9 220:21 231:2	dialed 126:15	diem 84:18		
	Diane 6:8 33:7 154:22 220:3 241:13	difference 230:4		
	diary 235:25	different 8:3 30:10,11 37:11 38:10 47:15 49:14 55:15 84:9,21 94:22 124:7 125:16 220:20,21		
	didn't 13:7,15, 22 23:6 24:4			

discussions 68:2 82:10 130:23	204:22 207:10, 14,24 208:9,15 228:6 231:6 233:3	21 29:10 30:7 33:24 35:17 38:16 42:7 43:9 44:6,19 46:5,6 47:21 50:8,15 51:6 52:24 55:3, 15 57:17 58:15 60:20 61:6,17, 19,20,21 62:10 65:4 66:2 67:6, 20 70:3,5 71:4 72:4 73:8,10,18, 21 74:17,23 75:16 76:23 78:24 79:4 83:16,18,25 84:10,22 86:10, 12,13 87:16,20 89:3,4,5,7,14 91:2 97:5,25 98:17 99:5 101:3 105:14 107:5 108:6 109:2,8,13,21 110:18 111:10 115:9,11,12 116:3 117:13 120:2,21,23 122:14,20 124:4 125:17 126:23 127:10,11 128:21 132:25 133:2 135:2 137:8,10,18,19, 25 138:11,22 140:7 145:14 148:9 149:11 150:19,21 155:15,24 158:4 159:9,18 162:3 163:16 164:5 166:5,6,7 168:16 169:25 171:8,11,12 172:18 175:23 176:6,15,23 177:13,16 178:11,12 179:9,20 181:4, 18,23,24 182:5, 6,21,23,24 185:3,18 187:19 189:8,18,20 190:4,15 191:8, 14 192:20 196:13,15 198:19,20 199:19 203:24,	25 205:12 206:3,5,22 207:3 210:10 213:25 214:4 215:16,25 216:11,22 217:20 218:12, 23 219:6 220:14 221:3 223:14 224:7,8 225:7, 17 226:6 230:6, 13,15 232:13 233:25 234:9 238:7,15,23	182:3,4 Dreaper 80:11 154:7 155:12 156:24 170:19 171:5,14 187:18 195:23 204:20 205:6,9,19 206:9,12 238:3, 12,19 drink 8:17 drive 6:10 104:18 118:12 driving 118:12 drop 133:11 134:6 dropped 68:19 141:20 159:7 dropping 72:20 148:23 165:9 drugged 176:6 drugs 10:3 duly 6:3 during 20:3 24:6 26:2 29:24 30:2,4 48:7 51:4 52:15 53:10 55:13,20 59:4,5, 21 64:17,18,24 65:20,23 66:13, 19 67:16,18,25 68:5 69:19 73:13,14 76:16 81:5,9,24 82:7,9 83:3 92:9,17 103:11 106:14 107:25 108:5, 12,19 116:25 117:7,21 118:2, 13,20 119:5,13 120:11 121:11 127:19 128:11 129:6 132:5,7 136:11,15 140:12 141:25 147:7,14,15,23 149:25 151:7 160:2,20 167:15 168:22 170:3 171:21 175:12 177:16 181:20 182:16 183:12, 15 188:15
disk 93:3 94:25	documentation 216:15,24 217:12 226:4 228:7,12 232:11,19 237:9,19			
dispute 32:12				
disrobe 179:16				
disrobing 179:15 180:24				
distances 114:12	documented 179:22			
district 28:9 29:12 30:5,19, 25 31:5,6 62:14	documents 12:12,24 14:13 15:14,17,21 80:10 85:15,20 111:22 123:8 189:19 204:13 207:6 219:9,14		done 12:17 24:2 27:25 45:6 56:5 57:2 59:9 71:21 77:21 96:11 99:4 102:10 104:8 135:4 137:22 149:17 151:6 173:13 176:3 182:8,25 183:19,24 184:2,10 219:11 226:16	
districts 28:6 29:22 30:2,6,7, 9,11 33:17 59:17,20 222:10 225:11	DOE 95:21 198:20 215:20		door 100:3 154:16,17	
disturbed 170:20,22	does 9:15,18 16:6 29:3 36:10, 20 37:25 38:17 57:3 62:19 74:13 140:6 208:25 220:13, 18 223:2,4		doubt 75:4	
doable 183:11	doesn't 10:24 55:4 62:10 116:3 197:19 222:14		doubted 73:22	
docket 32:7,20	doing 14:15 20:12 24:6 46:24 56:9 69:20 83:2,10 100:23 101:22 103:10,12 106:5 116:17 134:17 158:12 179:17, 25 202:19 211:24 213:21 215:15 217:24 240:9		doubting 88:25	
doctor 95:10 106:18,20 108:15 109:12 110:17 111:6 113:10 117:2 122:16 128:21 132:24 134:19 135:10,13 136:10 150:10 153:8 210:25 212:14 235:10	doctors 103:21 104:2,23 105:19 116:21 209:14		down 7:8,17 38:9 71:8 124:10 132:17 159:6 162:20 167:24 174:12 179:4,10 216:5 221:3,4	
doctor's 107:7 110:11 111:14 146:3 147:8 148:5 149:14 159:4 160:3,21	dollars 216:19		downside 210:17	
doctors 103:21 104:2,23 105:19 116:21 209:14	don't 6:20,23,24 7:13 8:3,21 10:16,21,23 13:17 14:21 16:4 17:14 18:12,19 19:21 22:7 23:2 24:24 25:10,13 27:17,		downstairs 124:23 127:6 174:9 177:4	
doctors' 237:14			Dr 93:7,19 98:4 111:6 114:17 117:2 135:20 155:20,24 209:19 210:6 211:19 212:3,8, 23 213:4,6 214:3 237:17	
document 12:15 14:22,23 59:25 60:9 79:20 85:25 86:11,13,14,16 90:3 110:3,9 111:22 135:16, 24 150:23 187:9			drafted 52:19 53:4 120:16	

201:24 203:17 210:23 211:24 218:23 223:24 240:4	effect 145:8 146:23	204:19,25 205:11,17 238:6,10,15,16	end-of-the-year 79:13 100:23 101:4,22	167:14
duties 58:13,18 60:15 61:3,24	effective 197:22 198:3,10 204:9	emailed 238:3	end-of-year 101:11	et 46:25 75:16 98:7 123:9 131:23 178:5 209:11 231:4,5 240:10
E	effort 35:19	emails 12:22 15:22 151:18 161:20 181:16 182:5,7 194:11, 16	ended 124:18 148:23 180:3 200:4 210:19 222:4,11 225:13 226:14 227:23 228:3 230:12	eval 52:22 193:4
each 15:9 104:14 159:15 172:22 185:8,12 209:25	eight 124:4 216:19	emotional 228:22	ends 31:4	evals 52:21
earlier 151:8 153:11 215:22 221:9 237:22	either 30:8 39:15 40:7 107:7 125:20 132:13 144:9 181:5	empathetic 109:4	engaged 129:11,24 132:14	evaluate 58:14
early 19:24	elaborate 42:25 49:5	employed 24:3 28:4 45:7 49:22 62:21 63:10 95:22 187:13 201:21 218:5,22 219:22,23,24 221:25 222:6 233:22	enough 199:24 230:9	evaluation 12:17 49:2 52:14,17 53:3 57:2 69:17 70:3 74:7 76:10 78:23 79:14 80:5,9,23 86:11 89:13 172:17 186:22 187:11 188:20 189:6,7 196:12,23,24 197:14 240:2
earned 226:11 228:8 230:3,11	element 127:2	employee 30:18 214:14 215:23 216:7 229:11	entailed 169:10	evaluations 75:9 76:7 86:2
earnings 232:7	elevator 123:25	employees 234:7	enter 39:22 188:6	even 9:23 28:9 36:24 42:12 72:24 104:14 138:15 164:24 170:24 176:6 180:12 183:20 186:21 189:22 194:3,14 206:5 215:22 223:14 227:4 230:13
easier 101:22	eligible 218:8 226:25 227:6,9	employer 36:3 222:24 226:14	entire 7:15,20 8:4 19:9 21:7 49:9 91:17 206:7	events 34:11
easily 206:5	else 25:15 43:15,24,25 47:8 58:23 59:8 67:18 69:14,18 72:3,11 78:3 80:7 83:22 90:10 93:8 95:14 100:25 111:23 112:6 114:8,10 117:25 118:19 125:3 127:18 132:8 134:7,11 137:8, 19 140:7 141:25 153:22 156:24 166:12 174:6 177:16 190:8 197:18 201:13 214:8 221:25 222:7 223:15 230:18 231:4 234:12 236:5, 16,20,23 238:12	employers 35:23 95:23 236:17	entitled 35:25 70:17 207:10	eventually 48:21 58:24 199:10,11
Easter 51:15	email 65:15 72:9,24 102:8, 17 108:8 140:21 146:14 151:15, 16,21 152:3,9, 12,17 153:4 157:14,19 160:15,18 161:8,12 162:7, 10,20,24 163:7, 9,25 170:20 182:9,12 185:24	employment 18:25 27:6 28:5, 9,14 33:13 44:14,24 45:3,9 63:6 191:16 206:19 222:4,13 225:16 226:20 227:15,22 228:2,9 229:20 230:12 232:7 236:20,23 237:2,5,8,9	environment 47:6 56:23 125:9	ever 11:4 13:6 17:24 19:8 42:3, 8 45:6 51:6 55:3,20 58:25 59:15,16 60:12 63:8,22 73:16 75:11 77:23 85:15 86:14 89:12,13,15 92:17,19 97:10 114:23 115:3 119:24 127:25 130:14 134:21 144:2,5,8 145:16,19 149:9,12 159:22
easy 7:5 111:11 197:17	economic 232:8	employees 234:7	epidural 94:7 98:6,8,9 104:6, 11	
eaten 126:6	Ed 22:15 46:23 47:3 48:14 53:16 63:11 85:18 214:19 215:3,9	employer 36:3 222:24 226:14	epidurals 95:13 103:13	
EBT 236:11	education 17:2 18:9,25 19:5,14 20:2,7 21:5,20 24:14 25:4,19 26:16,19 28:13, 20,22 29:7 42:5, 6,9 44:12,25 48:5 54:23 55:11 59:7 236:4 237:6	employers 35:23 95:23 236:17	episode 240:15	
educational 16:14,23 17:11, 13,16 28:14	EEOC 200:18	empty 122:20	equal 206:19	
		end 12:16 51:19 52:11,12 59:2 64:11 85:3,7 99:15 107:9 127:5 132:5 201:11 228:8	equipment 61:10 234:22	
			ER 210:24 211:4	
			espionage 194:23	
			essentially 17:2 172:16 173:2	
			established 178:24	
			establishing	

171:13,14 172:7,23 185:19 186:14 193:13 194:19 195:12 197:7 201:20,24 202:4,8,15,20 203:3,12 206:24 207:14 221:4 227:21,25 236:19,22,25 237:18 240:13, 16,19	examined 6:4 example 234:18 except 28:15 31:12 61:10 127:22 129:14 155:22 181:9 228:24 excessive 235:19 excuse 26:13 88:4 154:20 exhibit 14:13, 16,17 15:16 59:25 60:4 80:17 85:24 90:5 110:3 111:8 117:2 135:17,19 151:15 157:13 162:16 166:23 169:16 187:3 193:5 204:14,18 207:6,9 208:4 233:3 exist 189:3 219:14 existed 86:14, 21 87:8 88:3 156:22 161:22 existence 86:16 exists 17:18 206:4,6 expand 91:19 169:5 expect 100:24 expected 97:21,23 98:21 expecting 65:20 expenses 229:23 experience 28:14 33:13,15 36:9 46:20 94:22 193:12,20 experienced 213:15 228:20 experiencing 94:16	expire 223:2 explain 40:20 41:10 154:24 157:3 163:23 166:12,19 199:14 209:5 213:18 explained 49:13 66:25 199:20,21 explore 35:25 express 117:25 expressed 33:20 108:25 extension 230:14 extent 219:13 extra 30:9 84:12 143:24 148:10 eyes 126:8	F facilities 209:14 facility 25:2 fact 24:23 33:25 78:15 104:12 108:15 110:20 116:19 125:15 133:20 138:20 161:6 163:6 167:21 179:18 183:5 188:22,24 191:6,9,19,23 193:15 196:20 204:9 208:19 215:9,22 facts 6:18 9:5, 19 10:14,19 13:21 fall 49:21 53:24 90:16 184:7,25 185:6,13,22 186:8,11,16 188:15,18 189:7,8 211:13 239:20 falls 126:9 false 70:10	families 226:17 fault 202:12 fax 188:18 189:5 faxed 109:12 153:7 federal 43:8 fee-for-service 216:7 feed 238:17 feedback 56:12 68:8 73:3 174:2 177:11,22 180:21 181:13 182:16 185:15, 17 196:22 240:8 feel 14:10 61:23 67:10 100:5 119:25 137:25 139:20 145:22 148:5 149:15, 17,23 213:18 216:8 219:16 228:14,19 feeling 98:20 100:4 108:24 109:4 feels 7:23 fell 94:24 114:6 felt 67:4 114:14 127:2 129:14 139:21 144:15 148:8 179:22 186:5,6 189:11 192:2 193:11 female 84:2 femur 9:24 few 9:24 13:21 151:8 field 55:11 Fifteen 16:4 fight 195:7,10 figure 13:18,21 72:22 82:6 125:24 129:18 133:23 138:23 184:18 220:19 235:3	figured 156:5 file 42:3,8 47:4 81:2 150:12 200:22 201:21 226:23 230:17 filed 6:16 42:23 43:7 198:25 230:14 fill 27:9 47:15 final 200:14 finally 12:21 53:23 financial 213:16 financially 216:9 219:17 find 39:15 61:18 154:14 157:20 213:25 fine 8:16,18 18:19 19:22 23:19 34:12 70:19 74:25 84:22 86:19 89:10 97:24 98:21 100:7 121:3 130:13 132:6 152:20 157:4 182:20 232:24 finish 55:4 88:4, 5 182:15 finished 124:22 fired 53:11 55:8, 12 236:25 firewall 34:16 firm 6:13 first 6:2 20:18, 21 22:6 24:16 32:20 35:16 49:22 51:11 52:2 54:25 55:5 60:10 61:16 92:24 93:25 94:15 104:6 106:25 107:14 108:11,12 119:14 120:8 123:13,16,24 124:2 125:8 148:3,4 151:15,
---	---	--	---	---	--

16 158:13 160:14 173:21 188:17 189:6,7, 10 199:19 211:6 215:3 239:13 fit 158:18 five 18:7 19:18 21:6 23:15 24:15 48:18,21 83:7 93:2 94:8, 19,21 211:6 five-year 21:21 floor 94:24 125:12 126:9 133:11,16 134:6 148:24 focus 64:21 186:13 197:2 focusing 129:20 follow 44:22,25 65:15 72:9 105:7 127:14 164:6 192:6 214:12 221:18 227:18 followed 140:21 146:13 167:5 188:24 following 26:3 73:2 97:7 103:12 116:17 130:25 131:6 167:11 169:6 180:21 194:12 follows 6:4 food 104:17 126:5 forced 141:8 forceful 125:11 forever 163:19 form 25:24 90:18,20,22 149:21 239:15 240:22 formal 23:17 25:18,20 56:20, 24 78:13 formally 55:25	56:2,11 63:22 forms 117:20 226:13 forth 50:10 59:4 67:2 83:23 94:4 101:24 116:6 121:24 123:4,20 125:13 138:2 146:17 148:13 155:5 166:14 198:24 206:22 forward 138:25 forwarded 73:17 foster 42:17 found 26:3 42:20,22 133:7 198:9 207:23 215:6 four 26:8 49:19 fourth 93:21,23 94:7 167:23 fractured 9:24 Frank 56:16 57:5 194:7 freaked 69:19 189:11 freaking 178:16 190:14 Freda 190:9 Friday 97:2 Fridays 97:5 friend 189:14 from 8:25 9:5 10:19 12:22 13:4 14:10 15:20 21:2,5,20 32:4 33:3 37:4 42:18 44:24 48:4,23 50:25 51:17,18 58:3 66:3 68:8 85:3,5 89:25 90:22 97:18 100:24 101:6 109:11 110:7 117:3 118:13 135:13, 20 136:10 141:24 152:3,10	153:4,8 155:19, 21 156:6,8 157:14 158:21 160:15 161:9,20 162:22 163:8 177:11 178:13 179:13,17 180:21,24 181:13 186:16 187:25 188:10, 13 190:10 194:12 196:21 198:8 204:19,25 205:6,8 212:7, 22,24 218:17 219:3 221:19 225:16 226:21 227:16 228:12 236:19,22 237:2,6,8,15 238:12,20 239:3 front 14:17 85:24 100:3 full-time 26:25 51:2,3,12,19,22 52:16 53:22 55:24 56:14 57:8,16 58:4 209:8 240:10 fully 97:23 98:21 functional 95:6 functioning 125:9 132:17 further 40:8 81:21 101:17 102:8,12 117:4 130:22 146:25 165:23 185:21 195:12 238:23 future 44:13 <hr/> G <hr/> gave 26:25 47:25 56:11 75:15 79:21 88:9,22 89:6 124:15 155:12 181:6 182:16 213:3 general 32:16 33:11 58:18 59:12	generally 40:21 42:12 120:23 gesture 7:6 get 7:9,15,20 8:3,8,12,13,17 9:25 15:8 23:7 24:24 33:15 37:3 39:21 40:9 41:24 43:25 44:3,8,23 49:19 51:16 52:24 54:4 55:16 67:5, 9,12 68:8 69:23 72:13 73:16 74:15 76:24 85:14,15,16 87:16 89:25 93:18 99:18,19, 22 103:14 104:19 105:20 106:12,18,23 107:10 108:16, 17,21 113:14 125:15 129:3 137:5 138:11 142:8,25 143:5, 18,22 144:23 145:9 150:6 157:10 161:18 165:16 172:23 178:8,12 179:23 183:8 190:13 191:3 192:8 196:11 197:5 198:13 199:5 200:7 206:5 208:21 210:18 217:5 218:17,20 220:18 221:19 224:23 225:24 234:20 237:5 get all 76:23 getting 19:11 20:16 37:13 43:17 44:18 85:20,23 106:10 138:16 164:8 180:9 183:10 190:17 191:25 192:6 194:11,16 girl 139:7 give 7:4,11 33:20 36:19 38:14 44:13 48:4,14 49:19	53:17 78:7 139:4 162:19 166:16 178:20 192:5,22 given 22:22,23 77:12,16 80:5 95:9 104:2 223:10 gives 41:25 giving 7:11,21 19:21 79:19 145:6 196:17 glasses 42:15, 19 Glick 211:23 212:21 gmail 206:4 go 6:22 7:12 8:11,18 29:7 31:15 32:11 48:21 49:16 51:12,18 52:11, 21 59:3,6 67:5, 12 69:7 72:19 74:15 83:16 85:5 90:4 97:10 98:11,23 101:4 121:15 123:23 125:22 126:2 131:6,11 133:16 134:21,25 135:7 144:8,13 145:2 150:6 151:20,24 164:20 168:16 174:9 180:12 186:16 192:5 199:3,4 207:25 210:20 214:12 215:5 216:9 222:20 224:5 227:8 236:9 goal 69:24 104:18 173:14 goals 59:3 God 126:16 goes 86:4 202:14 going 6:16,24 14:15 15:6,8,15 31:19 32:13 35:13,14 36:25 37:12 40:3,20
--	--	---	---	--

41:24 44:20,23 60:3,12 64:18, 25 65:2 66:5,9 71:12,16 89:18 97:21 98:21 99:5 100:6 103:6,20,21 104:5,20,21,22 105:16,20 110:5 116:20 123:3 124:3,25 125:25 126:21 127:11 128:6,17 129:15,16,18 130:18 131:8,20 135:7 137:8 138:25 139:17, 22,23 151:4,14 153:3 156:3,18 157:3,4 159:8 164:23 170:2 174:14 178:12 179:2,10 183:19 185:25 186:4 187:2 188:3 189:17,18 190:23 191:5,7, 13,17 192:4,23 195:7,9,10,15, 16 197:2 203:21 204:5 205:16 207:8 212:18 213:10 216:5 217:11 218:25 221:14 226:3 227:10 228:6 231:3,21,25 232:8,10,22,25 233:7 235:13 237:7 238:9,18	195:4 Gosh 97:24 got 26:10 42:20 43:5 50:9,10 58:2 67:13 69:2 74:4,6,10,20 75:3 76:18 86:23 89:12 94:3 108:17 124:21 146:14 151:23 154:8, 22,23 155:9,10 163:7 168:15 172:11,13,14 180:21 188:23 191:14 196:13 200:3 208:18 218:21 gotten 47:19 86:22 126:7 197:6 grand 126:10 granted 54:8 great 56:9 grievance 197:11 198:25 199:7,8 200:8, 10,25 201:4,20, 24 202:10,14 203:11,25 229:7 grievances 201:21 224:3 grow 196:24 guarantee 138:14 guaranteed 184:24 guess 10:23,24 12:3 27:17 54:21 55:9 59:9 90:6 105:14 120:22 121:15 148:20 151:19 153:24 155:23 175:18 192:9 203:23 222:15 guessing 19:18 124:5 guilt 43:3,4 guilty 42:20,23	43:3,5 gun 128:5 guy 137:6 223:19 guys 73:10 121:4 141:3 189:22 <hr/> H <hr/> H-J 204:14 hadn't 76:17 122:5 232:18 hair 166:7 half 120:22 121:3 195:10 hall 159:6 163:2 hallway 126:12 132:18 133:13 141:21 148:19 hand 125:11 141:20 159:7 165:10 210:8 handbook 208:17 handed 73:16 75:15,20 76:2, 10,15 77:8,10 79:22 80:6 88:19 123:21 handing 14:24 15:3 135:22 handle 125:6 handled 69:7 hands 132:18 139:20 159:9 happen 27:8 103:20 128:20 156:4,12 174:14 185:4 191:7 happened 34:19 50:20 53:13 76:20,25 94:23 120:15 122:25 125:4 133:12 143:21 157:5 159:11 162:2 165:2	171:2 176:19,20 177:5 183:23 194:15 happening 71:10 159:20 173:16 190:15 224:4 happens 76:20 230:7 happy 8:16 166:13,17 harassment 36:16 42:4 hard 24:22 142:17 harmed 34:23 has 17:23 33:16, 20,21 34:22 35:4 40:7 60:4 62:3 86:5 87:25 89:2 90:15 126:6 135:18 183:16 184:21 196:21 207:9 208:3 229:19 231:17 hasn't 210:7 haven't 10:6 13:12 16:19 47:10 78:5 118:20 209:19 219:17 238:13 having 6:2 9:20 31:13 47:16 126:7,14 156:25 192:22 he 25:14 42:18 65:25 66:18,23, 24 67:2,3,4,8,9, 14 68:25 69:23 93:21 98:6,8,9 99:25 109:12 112:21 114:18 122:16,19 128:21,22,24 129:4 132:24 133:3 134:19 137:6 154:8 155:14,16,24,25 163:10,14 165:8 170:19,22 171:2,4,7,11,12,	14,16,17 177:14 178:3,8,18 179:3,5,8,13,14, 16,25 180:2,3,6 187:20 191:8 192:14,17 194:14 195:4,8, 23 200:2 210:7, 8,9 212:3 238:4 he's 66:21 179:25 188:10 head 9:23 126:7,9 151:3 230:24 headquarters 224:6 heal 111:11 health 201:10 213:20,21 217:13 228:17, 22 229:23 230:2 hear 152:22 155:7 heard 47:17 55:3 65:7 133:14 149:12 hearing 26:5 51:21 heart 154:9 heavy 235:20 hedging 73:25 75:10 held 31:18,21 39:11 85:12 186:25 237:13 Heller 154:4,10, 21 155:21 158:8 164:25 166:10 168:10,13 170:10,23 173:19 174:11 175:12 176:25 223:15 Heller's 161:21 169:22 174:10, 21 help 56:22 104:12 117:17 118:16 125:12 126:11 127:8,9
--	--	--	--	--

129:3,12 130:6, 19 133:16,21 134:8,10 137:22,24 138:10 142:7, 10,19,25 143:3, 7,14,16,18,22, 25 144:21,22,25 145:6,9,14,15 163:24 178:4 179:9 180:8,11, 17 234:20,21	here 7:8 10:11, 17 11:10 12:11, 25 13:23 14:9 15:18 28:2 31:25 60:24 62:2 70:21 85:25 88:6 120:4,5 126:19 145:15 156:23 162:17 163:7 165:10,11,12 168:2 175:8 198:14 206:9 217:17 229:18	his 42:18 66:22, 25 68:14 69:18 155:13 163:25 165:9 176:6 178:17 179:9, 15,16 180:3,4,5 211:25 212:2 224:7	hospital 94:5 210:19 211:20	human 101:13 107:19,23 109:14 110:21 127:14,15,25 129:7 130:16 133:6 134:21 136:12 145:20 146:3,10 147:2, 8 148:4 149:14 206:21
helped 50:9 142:9	here's 76:16	history 221:4	hour 120:22 121:3 220:24	hundred 216:19
helping 104:16	herniated 93:2, 11 95:2 97:24	hit 150:3 151:3	hours 10:3 11:25 95:4 97:22	Huntington 30:12,18 231:18
hence 19:19	herniation 93:13 115:2,8	holding 132:18	house 234:23	I
her 11:14 27:22 33:13,22 34:9, 16 35:11,22,23 36:5 39:14 45:25 46:2,4,5 47:20,22,25 48:22 50:7,8,15, 17 56:6,7 57:6 62:5 68:3,22 69:25 78:15,17, 18,22 83:25 84:4 86:20,22 87:23 89:25 94:6 100:6,22, 25 101:16,22 102:22,23 103:12,22,24 105:22,23 108:5,12 111:21 124:6,10,13,15, 23 125:3,4,23 126:4,5,8,9,25 127:10 131:7,22 135:7 143:3,7 154:14,16,20 155:9 156:19,23 159:18 161:24 165:10,14 166:13,17 168:15 170:23 173:9 174:2,25 180:2 181:20,21 185:23 188:19 189:10,17 190:2,3,4 196:19 199:15 205:20 213:3 228:9 229:8 232:15 239:24 240:8	hey 164:21	Holiday 6:10	how 11:24 12:7 16:2 22:4 26:7 43:12 44:5 45:21 56:13 57:17 60:23 63:25 64:25 65:5,6 66:16 68:12 69:24 70:13 74:8,10 83:6 89:21 91:10 94:14 97:22,25 99:21 102:19,21 105:11 107:3,12 108:4,24 109:5 110:15 116:7 117:15 118:24 120:23 121:2 122:14 123:20 129:4 131:22 139:13 157:19 158:4 172:3 174:24 187:21 189:17 194:9 196:16 199:10, 11 205:21 209:9 216:15,21 217:6,18 218:6, 14 229:19 230:3,10,20 231:3 239:25 240:7	I'LL 6:21 7:12 15:13,24 25:22 31:12 34:4 40:4 44:22,25 69:25 151:12 195:8 202:11 204:18 206:14 208:6 214:12 227:18 232:5
him 67:9,10 98:4 119:4 121:23,24 144:14 155:15, 18 163:8,13,16, 20 164:16 172:8 178:2,5,8,10,12, 13,14,16,19 179:9,12,13,17 180:9,24 194:13 195:13 200:2 202:10 212:7 234:20	high 211:18	home 19:24 29:8 59:17,19 61:11 64:24 76:21 128:7 129:2 182:3 197:24 198:3 216:23	homes 209:11	I'VE 10:15 16:17 30:11 40:21 145:5 149:12 197:6 209:8
himself 178:3	highly 47:21	honest 31:12 67:21	honest 31:12 67:21	Im 178:16
hip 92:14,16 107:8 209:16 211:22 212:3,5, 9	Hill 212:7	honestly 24:22 61:17,20 65:24 87:18 128:24 130:12 135:2 137:10 141:22 142:7 144:15,23 150:21 161:5,19 163:12 170:21 175:23 199:21 206:23 230:13	hope 100:4 157:2,5,6 195:8	ice 54:2
HIPAA 210:6 212:18,24 213:4	hire 30:9	hoped 98:20 103:20	hope 100:4 157:2,5,6 195:8	idea 142:23 156:9 218:10 240:12
hired 27:4 51:11 61:16 206:17	hiring 30:9	hopefully 98:10 131:20 136:21 151:10 216:4	however 31:5 32:13 37:12 195:11 216:20	identification 14:14 60:2 110:4 135:17 151:21 204:14 207:7 233:4
		horrible 94:11 116:5	HR 129:21 144:5 145:19 152:14	identify 114:11
			huge 180:5	IEP 58:22 59:3,6 163:19
				IEPS 29:10 59:14
				ill 103:23
				illnesses 228:15
				immediately 67:4 129:15

impact 36:5 228:16	incurred 213:16,19	instructional 69:22 180:23	126:9,12 129:15 142:17 143:16 153:3 154:20 160:14 192:11 209:10	100:6,8 101:17 102:8,13 103:18 105:2,9,12 106:14 107:20 108:2,19 109:7 111:20 112:5 113:20,22 124:25 125:19 127:6,17,20 128:4 129:13,16 130:18,23 135:6 137:4,7 138:15, 21 149:14 155:9,23 156:10,12 170:24 175:7 177:9,24 179:15 180:7,10,19,21 181:13,17 182:12 183:18 186:6 187:18 188:16 189:5 190:21 194:10 239:11
impacted 216:9 228:21	independent 221:22 222:6 226:11 230:25 233:11	insurance 98:7 201:11 213:20, 21 215:18 217:4,13 227:12,17 229:23 230:2	investigated 118:11	
impaired 103:11	indicate 6:23 153:7	intend 39:19,20	involved 61:12 136:25	
impairment 81:7,12 209:2	indicates 117:2	intense 91:23 92:12 95:7,8 96:2,6,12,16 97:20	involves 34:8	
impairments 8:25 9:4	indicating 162:17 170:8 175:8 206:25	interact 65:5 69:24	involving 42:13	
impede 10:19	individual 34:13 41:17	interaction 64:21 68:24 131:15 156:6	IRA 225:20	
implemented 122:13,15 148:6 149:18	individually 37:12	interactions 67:25 68:3	IRAS 226:5	
implications 38:16	individuals 34:24 121:8 226:17	interested 83:2, 10	Island 110:7	
important 67:9	information 19:21 31:14 34:14,16,17,21, 23 35:24 36:4 39:21 40:23,24 103:17 116:10 119:11 147:9 160:6 225:7 231:11,24 232:6,17	interesting 60:23 61:18	isn't 70:23 212:13	
improved 104:14	initial 156:17 196:8 224:3	interim 30:4	issue 32:3,15 33:9,24 36:23 42:15,16 56:22 115:5 117:10 128:16 132:4 144:2,6 145:19 183:3 215:21 232:14 234:5	
incident 123:14,15 127:15 128:9 129:8,22 130:15,23 148:22 150:2, 17,18,19 168:10 211:7	initially 21:13 24:16 25:14 26:10,22 48:16 103:22 108:14 163:14,16,17	interpretation 73:7 171:3	issues 37:8,11, 23 65:3 92:24 96:8 100:9,12 131:22 141:8,13 165:23 240:2,3	Janet's 46:8
incidents 26:12 132:12 133:7 153:19	initials 66:7	interrogatories 213:7 231:7	it'll 8:10	
include 35:8 41:17,20 87:8	injections 93:20	Interrogatory 233:10,17,18	items 191:12	
included 43:15 62:2 156:23 228:9	injured 150:25	interruption 74:21 185:10	J	
including 43:22 86:6,7 158:7 161:24 180:5 217:13	injuries 228:15	intervals 12:10	Jackie 22:6	
income 226:14 228:8 229:19,22 230:20 231:2	injury 92:15 126:7 211:22	intervention 19:24 167:11	jail 230:19	
increase 58:3	innocent 26:3	interview 45:24 46:19 47:9,22 48:7 82:9 103:12	Janet 6:15 27:7, 12 45:16,25 46:3 47:9 50:5 51:15 53:13 56:9,12 57:3,4 64:4,9 65:16 66:14 67:5,11, 19,25 68:8,9 69:9 72:10,24 78:4 79:6,9 80:15 81:18,20 82:9 83:16,17, 20 84:6,15 85:11 91:9	
increased 26:25	inquired 115:25	interviewed 25:13 81:20		
incur 183:15 214:25	instead 174:10	interviews 45:18		
	instructing 34:3	into 15:8 29:7 39:22 71:24 99:18,19 107:13 120:20 124:7		

judge 31:20,22 32:5,10 36:9 37:4,10 38:2,5, 17 39:6,13 87:19 judge's 39:13 judgment 235:21 July 85:6 jumping 128:5 June 79:3 jury 236:12 just 9:20 11:11 13:18,20 14:15, 16,22 15:5,9 18:16 20:19 22:3,20 23:2 24:5,20 29:20 32:11,19 33:15 34:20 36:15 37:15,20 39:4, 12 40:18 41:22 43:14 47:2 48:25 50:19 51:5,21,23 52:9 53:2 55:14,15 58:2,17,20 60:12,21 61:17 64:10 65:22 68:19 69:7 70:6 71:5 75:11,21 76:4 77:16 78:9, 11 80:4 84:8 90:20 95:23,24 96:14,22 99:7 100:20,23 101:3 106:12,23 107:21 109:12 110:6,12 111:10 114:12 115:20 116:14,23 117:17 121:23 122:4,16 123:4 125:20 127:3,24 128:23 129:12 131:16 132:17, 19,20,24 133:2, 15 134:6,16 136:12,25 137:24 138:19 139:2,9 141:22 142:15,16 143:16,23 144:17,21 145:9	147:25 148:8 150:2,8 151:2,4, 21 152:25 153:10,15 155:10 158:19 162:19,25 165:5,16 166:18,20,25 167:4,20 168:16 169:16 173:8,9 178:15 180:2 182:15 183:9 184:2,9 187:6 190:24 192:5 193:21 195:2 197:8,9,16,19 199:2,3 203:18 205:23 207:11 208:5 210:3 214:9 222:18 232:19 233:6,23 234:4 235:2,3, 21 239:6 <hr/> K <hr/> K&I 207:7 Kallus 11:16 13:17 27:17 31:15 32:22 33:6 34:6 35:10 36:2 37:3 38:6, 20 40:14,17 41:12,21 51:6 62:3,7 70:7,19, 23 71:4 81:14 86:9,15,19 87:23 115:11 120:6 130:7 158:9 197:17 199:14 200:19 203:24 205:22 212:16 213:3,6 214:4 217:3 219:4 231:21 232:10,21,24 234:4,13,17 239:6,10 240:18 keep 8:10 23:2 34:21 75:8,13 76:6 139:10 198:14 235:24 Kennedy 112:25 123:6 134:3 144:10,13 145:5 149:8	171:23 172:5 176:4,10,13,18, 21,22 178:20 184:13 186:20 193:19 kept 35:6 39:24 41:2 76:13,14 80:6 103:20 104:5,19,21 105:18,19 108:10 181:25 189:10 kid 65:2 68:19 69:18,25 72:20 125:17 139:23 142:16 144:23 148:23 149:2 151:2 165:7,12 176:5 178:18 179:10 180:16, 18 kid's 141:20 163:13 kids 52:20 59:14 64:23 65:2 66:3 84:12 95:25 122:5 123:8 125:7,14 132:16 133:10,11 134:16 139:3 142:3,14 148:13 156:19 159:12 178:22,25 179:2 180:11,12 183:7,8,22 193:18 209:11 kind 22:7 32:16 33:11 36:22 38:23 41:5 67:10 69:5 70:8 92:13 123:19 124:21 154:8 161:5 210:13 kitty 129:2 knew 27:21 49:13 123:2,3 124:9 125:6 126:17 133:22 137:14 150:23 156:2,6,25 175:16 178:23, 25 179:5 180:5 187:25 189:16 190:10,11	knock 94:7 know 6:21 7:4, 25 9:21 10:21 11:24 12:7 13:19 15:12 16:4 18:10,12, 19 20:11 23:23 28:17 30:6 34:21,22,25 35:3,24 36:11, 13,15,23 37:20 38:15,16,17 43:5,9 44:6,19 47:21,24 48:19 50:15,17 53:24 57:17 58:15 59:10,11 60:20 62:23 63:19 64:25 65:14 67:6 69:14 70:7, 9 71:5 73:11 74:11,17 75:5, 17 76:20,22 80:18 83:17,18 84:13,20 89:7 90:11 93:15 95:5 97:23,25 98:17,22 100:2, 5,6,20 103:19 104:6,13,19 105:14 106:16, 19,20 108:6 109:3,21 111:11,21 112:6 115:9,12 116:15,19 117:13 118:5 120:6,11,21,23 122:14,21 123:4 124:4 125:13 126:18,19,21,25 127:2,10 128:6, 15,16 129:13 130:6,19 131:21 132:4,15 133:3, 4,12 134:15,18 135:6,21 136:6, 22,23 137:4,5,8, 9,18,24,25 138:12,13,15, 20,21 139:2,6, 17,20 142:15,16 143:5 146:17 148:9,11 150:9, 11 154:13 155:13,24 156:9,10,15,16, 20,21 158:4,5, 12 159:5,7,10, 14,16,17,18 160:11 161:22 164:20,23 165:8 166:8,15,25 167:2 168:12,16 169:9,16,25 170:2 172:6,18 175:15,23 176:12,15,24 177:13,16 178:16 180:15 181:4,9,18,24 182:14,21 183:8,10 185:3, 11,18 186:21 187:7,19 189:8, 14,18 190:4 191:14 194:9 195:9,15 196:13,14,15 198:19,20 199:12,16 203:24,25 204:3 205:12 206:2,3, 5,23 207:3 208:5 209:7 213:25 215:16, 24 216:3 217:17,21 218:12 221:3 222:19 223:14 224:7,8,25 225:17 228:5 229:3,8,18,25 230:3,6,15,20, 25 231:3 233:6, 25 234:17,23 235:15 237:4 238:7,8 240:7 241:2 knowledge 14:3 146:19 183:13 184:22, 23 201:3 229:15 knows 179:25 199:17 222:18 <hr/> L <hr/> Labor 103:5,7 105:23 lack 182:18 Lackey 71:24
---	---	---	---

laid 101:24 179:4	16	108:16,21 109:11,18,19 110:6 111:14 116:3 117:3 135:9,11,20 136:3,9,13,15 146:23 153:11, 24,25 155:10,19 157:2,7,8 166:23 167:2,5, 19 168:15 169:13,21,23 170:15 171:3,4 173:19 175:24 180:25 181:3,4, 9,11 182:2,12 218:21	102:25 103:15 104:13 112:4 119:25 122:20 126:13 127:3,5 128:13,23 129:3,4 133:13 137:4,19 144:15 145:14 148:8,23 149:2,15,17,23 150:10 151:2,3 155:25 156:3, 13,14,15 159:12 172:6 178:4,22, 24 179:12,13 181:25 182:6 188:17 189:11 190:14 192:5 193:22 194:14 196:17,24 199:4,13,18,25 200:6 204:19 206:19,20 209:15,16 210:4,13 211:6 213:13,22 214:19 215:16, 24 216:24 219:5 221:5 222:14 229:22 230:6,7 234:18 235:15 236:7,8,11 237:10 239:25	44:20 57:20 59:24 62:5,9 70:12 74:14 81:16 86:12,17, 20 88:13 109:25 120:8 121:3 135:15 151:12 199:16 204:11 205:16 207:4 212:22 213:5 217:11 218:25 219:7,13 221:14 226:3 227:10,14 228:5 231:25 232:16,22,25 234:15 237:4 238:9 239:8,14, 18 240:16,22 241:4
last 10:3 11:20 12:4 18:10 29:18 50:8,15 57:22 91:21,22 92:5 96:23 97:2 151:24 190:3,4 209:19 240:14	legal 70:20,21 legally 192:16 223:12 225:17 length 52:4 lengthy 28:2 Lennox 212:7 Leora 50:15 56:2,3 67:20 124:11 177:5 Leora's 72:4 less 8:11 49:6 84:10 190:7 219:20 let 6:21 7:15 8:3 15:12 19:13 24:13 25:22 32:20 34:4 47:2 59:15 77:2 80:18 83:9 87:2 88:4 89:11 92:3 97:9 100:6,18 107:21 119:14 122:22 125:23, 24 127:13 129:13 130:6 133:5 135:18,21 136:23,25 138:19 139:3,13 142:11 150:2 151:9 160:13 161:7 165:3,16 166:20,25 169:15,16 171:13 172:22 174:20 179:9 180:12 182:15 187:7 188:3,6 189:4 190:25 195:8 199:20 202:19 208:5 209:12 223:8 229:24 233:6 234:6 let's 20:8 80:16 126:2 139:9 146:24 151:24 174:10 179:23 180:2 188:11 203:7 228:12 letter 12:16,20, 21 37:17 106:18	letters 153:14 179:15 181:16 level 202:14 levels 200:12 license 17:15, 23 18:4 licensed 17:4,7 licenses 17:20 life 92:18 lift 111:10 114:6 117:17,24 122:12,24 128:22 133:8, 17,24 141:9 148:12 165:6 209:9 235:19 lifting 94:5 117:3 119:7,8 122:19 130:2 234:20 lightly 178:15 like 9:13 14:10 16:15 17:18 18:7,13 19:18 20:8,11,15 23:17,22 25:23 26:8 27:15 29:5 32:11 35:8,13 36:7,13,20,25 39:17 43:4,24 44:6 46:11 52:6 59:12 61:11 62:13 64:6,19 82:4 85:5,7 90:8,11 100:4	199:4,13,18,25 200:6 204:19 206:19,20 209:15,16 210:4,13 211:6 213:13,22 214:19 215:16, 24 216:24 219:5 221:5 222:14 229:22 230:6,7 234:18 235:15 236:7,8,11 237:10 239:25 liked 24:21 46:22 likelihood 188:2 limitation 81:12 131:25 limitations 95:9 111:7 116:8 122:2 137:12 146:11 159:23 237:20 limited 84:3 217:14 228:10 line 37:16 Lineen 6:6,13 13:18 29:16 31:17,19,23,24 32:15,23 33:3, 10 34:24 35:16 36:23 37:14,24 38:8,12,25 39:3, 8,10,12 40:15	list 37:10,22 47:20,23 222:20 223:2 224:19,22 225:12 listen 80:4 listened 197:18 literally 94:24 103:15 104:18 123:25 125:19 litigation 34:2 35:9 39:25 41:7, 8,15 litter 129:2 little 7:21 32:3 44:4 47:2 51:23 66:18 94:4 106:11 134:16 142:11 151:11 174:20 175:18 196:15 217:17 233:23 live 16:6,9 70:8 lived 16:2 load 84:11 local 29:11 30:5 locate 217:3 238:20 located 148:21 long 11:24 12:7 13:7 16:2 26:7 35:11 66:16 74:8 85:14,15,
lasted 94:15 97:22				
late 159:20,21 165:2 183:5 239:13,19				
later 15:8,25 94:23 106:11 133:14 144:15 148:8 156:5 159:19 200:19				
laundry 94:23				
law 6:13 39:6,14 51:18				
laws 191:24				
lawsuit 6:16,17 34:8,11 35:23 42:8 43:7 231:8 236:3,7				
lawyer 71:6 195:23				
lawyers 34:20 192:15				
lay 179:10				
lead 50:6,19				
learned 94:25				
leave 8:22 24:13 25:2 26:18 40:4 53:25 92:9 100:3 106:9 125:21 127:23 128:2 138:17 221:17				
leaving 229:25				
left 9:13 19:20 23:23 27:2 28:19 108:18 129:17 141:3 188:4 200:2 214:19,20 215:5				
leg 9:25 92:14,				

19 94:14 99:18, 19 102:21 109:5 110:7 120:23 121:2 195:11 230:9 longer 66:18 186:8 188:3 193:16 look 13:10,15,22 15:5,9,24 38:2 60:3,6,8,13,20, 22 62:6,7 80:16, 18 89:9 110:5 128:17 134:22 135:18,22 151:14 160:13 161:7,20 162:16,19,20 166:21 167:3 176:15 187:3,6 204:17 205:14 207:8,12 208:3, 6 229:22 looked 13:8,9, 12,25 15:21 65:23 89:4 90:8 153:11 159:12 173:19 237:15 looking 12:25 28:5,8 47:15 48:16 60:25 90:5 116:25 159:8 189:21 193:6 200:7 230:2 231:6,14 looks 155:25 177:9 190:23 204:19 Lord 222:18 lose 132:25 133:2 217:23 losing 223:7 loss 42:23 214:13 lost 113:9,10 lot 84:9 99:16 111:21 113:9,14 149:5 166:19 207:25 210:14 219:11 231:2 lots 54:2 114:5 193:20	low 132:17 lower 124:18 154:12,13 230:5 luck 85:13 112:15 lumbar 93:15, 17 lunch 120:24 Lydia 229:4 <hr/> M <hr/> machine 76:22, 24 94:24 made 6:19 14:2, 5,8 29:6 31:22 39:12 75:16 77:10 79:22 95:25 101:21 114:15,18,19 119:22 123:23 126:20 127:9 146:5 149:21 179:4 196:18 201:7 206:25 224:18 225:15 230:2 235:13 mail 74:14 main 174:21 maintain 79:20 165:9 maintained 77:5 major 183:3 majorly 103:11 make 7:4 8:5,11, 20 24:23,25 34:22 35:19 37:20,25 39:4 47:4 58:14 65:12 67:11 68:25 72:6,23 75:21 76:3,11 79:8,25 81:10 96:14 102:5 105:4 108:10 113:18 116:23 117:15 118:14 119:17 120:4,12 123:7 140:16,20	141:22 143:22 151:4 152:25 153:10,15 164:24 165:12 170:6,10 179:13 181:8,14 185:20 196:2,4,7,18,19 215:14,23 219:19,20 225:8 232:22 234:24 makes 87:3 88:16 making 119:25 161:19 mal 126:10 manage 131:10 managed 34:20 179:12 many 30:9 31:9 45:21 50:8 63:25 83:6 91:10 102:19 107:12 108:4 172:3 216:20,21 217:18 218:6,14 236:6,7 March 45:11 63:19 mark 75:17 90:23 221:14 232:25 marked 14:14, 16 39:19 59:24 60:2,4 80:17 109:25 110:4,6 135:15,17,19 151:15,25 166:22 169:16 187:4 204:11,14 207:4,7,9 208:4 223:10 233:4 married 11:2,4 Mary 190:2,19 Mary's 193:18, 19 masters 16:23 19:11 20:17,18, 19,23 24:18 mat 178:18 179:3,4	materials 66:12 Matoose 210:6 211:19 212:8 213:5,6 may 7:25 30:14 60:10 64:6 66:17 70:10 76:18 77:4,21 79:3 88:8 89:17 90:23 148:2 151:7 152:18 174:7 176:20,24 202:11 maybe 9:13 11:25 12:9 18:16 23:11,12 37:21 38:22 40:14 44:6 45:11 59:2 74:15 106:11 111:23 115:15 126:22 135:4 138:18 148:20 156:13,14 176:2 193:14 me 6:21,23 7:15, 20 8:3 10:23 15:4,12 18:20 19:13 20:20 24:13 26:13,25 27:9,12 31:6 32:19,20,25 33:20 34:19 35:2,6 38:6 41:12 46:3,20, 21,22 47:2,10, 14,20 48:17 49:19,20 50:9, 10,21 51:16,20, 22 53:14,15 56:7,8,11,12 58:18,25 59:15 64:24 65:7 67:4, 24 68:6,21 69:17 74:12 75:16 76:21 77:2,7 78:5,9,23 79:23 80:18 82:8 83:6,9 85:14 86:7 87:2, 16 88:4 89:11 91:19 92:2,3 97:9 99:23 100:18 101:6, 10,21 104:16,17 107:20,21	113:17 114:6 118:12,21,25 119:14 122:22 123:3,16 124:15 126:8 127:13,19 128:5,23 129:16 130:24 131:6,9 132:20 133:5 135:18,21 136:25 138:19 139:3,4 142:3,9, 11,16 143:25 144:22 145:6 146:17 148:12 150:2,9,23 151:3,5,9 154:7, 17,20,24 155:13,16,20 156:8 158:4,8 159:14,19 160:13 161:4,7, 18 162:17 164:21 165:3,8, 16 166:4,20,25 169:5,15,16 171:13 172:14, 22 174:20 177:8 178:18,20,23 179:7,9 180:8, 15 181:6 182:7, 15,20 183:6,9, 18 184:24 186:2 187:7,19 188:3, 6,16 189:4,11, 19 190:22,25 191:9,10,11,19 193:23 194:5,10 195:5,6,9 196:17 205:22 208:5 209:5,12 210:7 213:18 214:9 216:17 219:17 223:6,8, 20 226:9 229:24 230:19 233:6 234:6 238:22 240:10 241:18 me,so 77:12 mean 20:14 25:10 35:12 36:3,8 41:13 52:16,17 61:10 62:10,15 66:20 82:4 83:15 99:13,19 100:11 104:16 111:9 114:7 116:4
---	--	--	---	---

130:4 133:11 134:8 138:6,11 139:22 142:12 144:20 148:11 156:5 157:7 159:2 161:19 163:11 174:15 182:9 188:18 193:8,25 209:6 210:12 215:19 meaning 11:12 49:8 90:5 104:23 105:17 181:11 231:17 means 40:19,24 133:4 meant 52:8 54:13 55:12 106:19 mechanics 235:21 medical 150:6 161:14 237:19 medication 93:18 211:16 medications 9:8 10:5 115:13 211:9 medicine 110:8 210:14 211:18 meet 11:21 118:25 121:15, 24 123:8 201:25 meeting 12:21 43:14 64:9 73:13 108:22 109:14 110:20, 23 111:2,5,13, 17 112:8,22 113:3,22,23,24 114:2 115:14, 15,19 116:25 117:7,21 118:3, 14,20,23 119:5, 13,15 120:11,16 121:7,11 122:5, 23 129:7,9,20, 22 130:3 133:5 134:3,24,25 135:3 137:9 140:12 146:22, 24 147:13,15 148:3,7 152:13,	15 154:3 155:18,21 156:3,14,18,25 157:10 158:13 161:3,18,23 164:18 167:6,7, 9,21 168:11,22 170:3,25 171:5, 7,15 172:13 173:20,25 174:18,19 175:17,22 176:25 177:5 181:20 187:14, 17,22,23 188:13 189:13 191:2,7, 10,15,21 192:23 194:12 195:6, 17,20 196:5,8, 12 197:5,21 199:19 202:4,5, 10 204:4 206:21 224:11 240:4,5 meetings 59:3, 7,8,21 229:5,6,7 member 62:20 63:11 members 202:20 205:19 206:12 memorializatio n 72:24 152:13 160:19 memorialize 120:15 memorializing 65:15 72:10,25 102:9 mention 127:18 mentioned 28:17 42:14,20 47:24 72:14,15, 18 110:19 127:17 136:2 142:12 mentor 50:14 message 108:18 200:2 205:6 206:8 met 75:13,14 112:21 119:4 122:5 129:13	164:21 175:19 203:10 method 149:22 middle 14:23 127:7 middle-aged 166:7 midyear 53:25 might 34:15 35:11 36:8,21 37:11,19 38:6, 22 83:15 156:7 162:25 163:23 188:5 Miller 6:15 million 148:24, 25 mind 29:16 128:24 156:9 182:9 235:6 Mindy 11:11 33:6 75:14,25 79:21 88:23 minute 156:13 minutes 221:5, 6 misleading 87:19 miss 215:24 missed 75:2 misunderstand ings 153:18 mode 146:4 mom 94:5 176:6 Monday 37:10, 15 38:6 91:23 96:15 97:12,14, 17 98:2 monetary 236:13 money 24:23,25 42:21 43:5 44:4, 5 84:10 214:18, 24 215:23 226:7,10 month 213:22	months 20:15 22:23 26:8 49:12 52:6 55:2 183:22 216:20 more 8:16 19:7 21:22,23 24:23 37:11 41:10 48:22 49:6 54:3 69:16 89:9 93:13,22 94:21 97:7 117:3,24 119:7 122:12,24 125:11 129:4 130:5 133:8 134:2,15,23 136:24 137:25 141:9 142:3,6,8, 13,15,25 148:20 149:5 150:22 151:2 190:7 215:8,23 219:19 221:6 224:8 morning 6:12 31:23 91:23 96:15 97:12 124:12 187:4 238:4 most 22:10 84:11 125:13 motion 37:20, 22 232:23 move 22:24 94:25 102:7,11 116:16 151:9,11 209:9,11 230:8 moved 21:14 movement 114:15 148:19 159:20 Mr 99:14 121:22 163:4,24 164:7, 11 168:10 169:22 171:5,14 195:23 205:6,19 206:9,12 238:3, 12,19 MRI 95:13 98:7 104:9,10 114:19 212:12 MRIS 103:13 Ms 6:6,12 11:16 13:17,18 27:17	29:16 31:15,17, 19,23 32:6,15, 19,22,23,24 33:3,6,8,10 34:6,24 35:10, 16 36:2,7,23 37:3,5,14,18,24, 25 38:6,8,9,12, 15,20,21,25 39:2,3,5,8,9,10, 12 40:14,15,17 41:12,21 44:20 51:6 57:20 59:24 62:3,5,7,9 70:7,12,19,23 71:4 74:14 77:4 81:14,16 86:9, 12,15,17,19,20 87:15,20,23 88:13 109:25 115:11 120:6,8 121:3 130:7 135:15 151:12 152:10 158:9 168:10,24 169:8 170:10 171:24 173:6,19,25 174:21 175:12, 20 176:25 185:14,21 186:15 197:17 199:14,16 200:19 203:24 204:11 205:16, 22 207:4 212:16,22 213:3,5,6 214:4 217:3,11 218:25 219:4,7,13 221:14 226:3 227:10,14 228:5 231:21,25 232:10,16,21, 22,24,25 234:4, 13,15,17 237:4 238:9 239:6,8, 10,14,18 240:16,18,22 241:4 much 44:5 91:25 106:5 114:13 116:17 117:16 138:18 166:13 216:16 229:19 230:4, 10,20 231:3
---	---	---	---	--

267Index: multiple-no

multiple 71:12 89:24	186:8,9,13 188:5,19 189:14,15 191:13 195:4 199:4 202:12 204:3 206:4 210:18 212:5,9 213:21 214:2,18 215:17 222:16, 17 223:14 224:23 225:8 230:13,24 231:8 235:6,14 238:16 239:14,17 240:22	34:18 37:13 65:6 100:20 123:9 139:6 149:2 219:6	37:3 66:9 111:11 158:17 161:14 162:13 196:22,23	18:3,16 19:22 23:18 25:20 26:6,17,23 28:2, 7,11,15 30:3,20 33:24 43:11 44:15 45:8 47:7, 11 50:12,20 54:16,17,21 55:9,14,22 56:2, 6,25 57:3,14 59:19 60:6,10, 11,17 62:18,24 63:3,14,16 64:10,15,17 65:4,11,14,17, 22 66:15 67:17 68:7 69:13 70:5, 6 71:11,14,15 72:8,12 73:4,9 76:4,9,13 77:22 78:6,15 79:11 80:17 81:4,8,13 82:13 83:14 84:17 85:5 86:17 88:11 89:9,14 91:3,16, 19 92:11 93:12 95:16,18,24 96:10,13,20 97:11,19,21 98:12,13,25 99:10,25 101:14 102:4,7 104:5 105:3,6,8,10 107:2,20,22 111:4 112:5 114:25 115:6,15 117:22 118:4,5, 8,18,22 119:9, 13,16,23 120:2, 14,17 122:4 124:8 127:17,22 128:4,12,15 129:12,25 130:18,20,21 132:9,11 133:25 134:4 136:8 137:14,15 138:5,11 139:9, 16 140:9,11,13, 15,18,19,21 141:10,12 142:2,4,23 143:2,9,11,12, 13,20 144:4,7, 13 145:4,7,14, 18,21,25 146:16,18
multiple-paged 151:12				
muscle 113:9		necessary 234:8 239:3	negative 194:2 239:21,23	
must 141:2 161:17 176:22 189:9 197:6		neck 209:16 211:22	nephew 65:25	
my 6:12,20 7:15, 20 8:3 9:2,10, 18,24 10:22 12:18,19,21,23 13:4 14:6 15:15 16:4 19:10,11, 20 20:4,12,18 22:2 24:18,21 26:11,22 33:11, 21 34:3 35:18, 19 36:9 39:5 40:2,11 42:14, 20 43:5 46:20 47:17 50:14 51:22 54:3,9 58:3 60:25 62:16 64:21,23 65:25 66:25 68:20 71:11 75:4 76:13 77:9 79:24 80:2,4 83:3,8 87:15,16, 25 88:25 92:14, 23 94:5,25 95:20 96:20 97:6,24 98:9 99:15,23 100:9 101:9 103:12,16 104:18 106:8,17 108:13,15 114:20,21 115:12,20,24 120:5 122:20 123:3,14,24 124:2,9,13,18, 21,24 127:2 128:23 132:24 137:3,14 139:5 147:25 149:2 154:8 155:3,7,8 156:9 157:2,5 158:6 161:13 162:3,6 165:7,9, 16 170:24 171:3 174:8 177:5 179:2,19 180:20 182:3,9 183:3,4, 6 184:15,23	myself 106:12 113:8 192:13 234:14,18	need 7:7,15,23 8:15 18:8 51:21 52:24 59:2,3 60:14,22 62:9 67:7 71:4 74:22, 23,25 75:12 97:14 99:15 106:11 111:11 112:4 117:17 119:7,8 120:7,9, 10,18,19,25 121:4 122:15 125:20 129:3,12 130:5,9 134:8, 10,22 142:7,25 146:11 147:4,11 150:8,23 152:20,22 156:14,15 160:7,12 162:25 163:20,24 165:10 176:15 180:8,17 183:15 186:13 191:24 197:2 210:8,9, 10 219:9 227:6 232:16 234:20 235:21	never 13:8 53:24 61:5 62:13 71:7,9 73:22 112:21 116:5 119:4 129:13 147:16 164:21 171:18 172:11,14 173:12 188:23 189:2 193:4 200:2 217:25 227:6 236:21,24 237:3	
	N		new 6:3,10 17:7, 15 19:4,14 20:2, 6 21:4,19 22:14 24:14 25:4,19 26:19,22 28:12, 19,21 29:24 42:5,9 44:24 46:22 47:3 48:4, 13 53:16,18,20 54:22 63:10 85:18 142:14 184:14 214:14 215:8 236:4 237:6	
	name 6:7,12 24:8 25:12 27:22 33:19 39:4,5 46:2,5 47:17 50:7,8,9, 15 62:23 66:5 83:24,25 111:21 159:18 161:21 163:13 166:5,6 190:2,3,4 211:25 212:2,9, 16 224:7 229:3		next 70:2 78:22 91:6 98:22 101:8 102:14,23 105:12 109:6, 10,11 140:18 182:21 196:23 234:25	
	named 34:25 125:24 233:12 236:5		nice 121:24 130:13 133:15	
	names 22:5 29:4,22 31:10 33:25 39:17,23 66:3 221:9,15 226:13 233:15 239:4	needed 41:11 52:13,20 64:10 71:9 93:22 95:4 108:21 109:17 118:2 123:5 127:23 132:21 136:13,20,23 137:7 142:19 143:3,7 145:23 147:20 148:13 150:10 158:17 159:24 165:12 178:4,5 180:11 218:14	nicer 166:14	
	narrative 90:9, 11,21		night 11:20 12:4	
	Nassau 6:15 18:22,24 25:17 29:5 31:25 59:16 60:16 61:4 202:21 206:3,6 228:9	needing 118:15 129:9,22 164:13	nine 9:13	
	nauseous 113:14	needs 14:10	no 9:3,7,11,17, 20 10:4,8,15,20 11:3,5,7 13:2, 14,18,19,24 14:12,19,20,25 16:8,11,16,21, 24 17:12,22,25	
	necessarily			

268Index: nobody-observation

147:3,6,12,24 148:8 149:11, 12,19,24 150:8, 14,15,16 153:21 154:5,7,23 155:21 156:9 158:6,16,19,23 164:10 165:25 166:3 168:18,19 169:6 170:5,12, 16,18 171:20 172:25 173:4,7, 15,17 174:23 175:14 176:16 179:6 181:9,15, 23 183:18 184:21 185:23 186:8,17,19,23, 24 187:24 188:3,12 190:18 191:4,6,9,10,18, 19 193:13,16 194:21,24 195:14,18,19, 21,25 196:3,10, 18,19 197:4,8,9, 15,16,19,23 199:9 200:9,23 201:2,14,17,23 202:7,19,23 203:2,9,15 209:4 211:2,15, 18 212:4 213:2 215:25 216:3,5, 6,11 217:2 218:3,4,16 219:23 220:11 222:3,8,12 224:12,13,14, 17,21 225:10, 14,19 226:9,15, 16,19,22 227:20,24 228:4,18,24 229:2,10,16 230:22,24 234:8 235:6,10 236:2, 18,24 237:21 240:4,17 nobody 73:23 83:22 86:5,24 89:2 123:16 126:11 142:10 145:15 154:18 155:22 180:5 194:14 195:4 216:4	nod 7:6 non-eventful 141:22 none 30:15 105:3 183:11 216:6 nonverbal 7:12 normal 70:14 75:7 97:15 122:8 normally 33:14 35:7 217:6 220:8,18 not 9:17,23 15:6 16:16 17:22 18:7,16 21:10 22:2,25 25:20 27:15 29:25 30:9 31:4,13 32:10 34:18,22, 23 35:8,10,12 36:17,25 37:12 38:6 39:13 40:2, 10,25 41:17 42:19,20,22 43:3,5 44:6 47:19 48:6,15 51:18 53:12,24 54:4,17,19,20, 21 55:9,17,18 56:2,20 58:24 59:13 61:5,25 62:7 63:18 64:20,22 65:6, 14 66:25 67:20 68:21 70:12,21, 25 72:5 73:8,9, 25 75:10 76:17, 18 78:16 79:7 80:2 82:13 83:14 86:15,23 87:8,10,12 88:12 89:23 90:20 91:12,16 94:8 96:20 97:8, 11 98:15,20 99:20 101:8 103:16 104:2 106:19 107:16 108:9 112:5 113:7,9 114:3, 13,18 115:8,21 117:24 118:2 119:13,20 120:4 121:23 122:11	123:9,13,17 124:6,20,25 125:7,14,21,22 127:17 132:6,24 134:16 135:5 136:22 138:7, 10,20 139:17,23 141:23 143:25 145:6 146:16 148:10,11,12, 13,21,24 149:11 151:5 152:15 154:25 155:11 157:4 158:25 159:25 163:6,19 164:20 165:6,7, 22 167:10,14,17 168:2,19,20,21 169:11 174:12, 13 177:14 179:5,7,17,22 180:14,15 182:10,19,25 183:9 184:23 187:14 188:5,14 189:14 191:25 192:4,15 193:22 194:13,23 195:6 196:16 198:5,7, 11,20 199:3 205:20 206:13 208:20,22 211:24 212:9 213:8 214:25 215:24 216:17 217:2,14 218:22 219:23 221:18 223:11,12 225:9 227:7,8 228:10 230:5,24 231:14,21 232:6,13,22 234:8 235:2 238:7,14,25 Notary 6:3 241:22 note 110:11 146:3 147:8 148:5 149:15 159:4 160:3,21 239:14 240:22 noted 221:3 notes 65:12 72:6,23 73:11 75:5 76:21 79:8 87:7,10 102:5	105:4 108:10 119:17,20 120:12 140:16, 20 170:6,10 171:14,19 174:12,19 181:8,14 196:2, 4,7 224:10 237:14 nothing 10:18 17:18 22:15,16 23:4,20 30:15 32:13 70:17 94:11 156:7 193:9 217:22 227:13 notice 7:11 26:25 53:17 117:4 191:24,25 192:22 noticed 206:2 notified 218:22 notify 53:16 November 198:13 211:9 now 11:8 17:4 18:21 22:18 23:7 27:4 31:16 32:10 40:16 42:3 45:3,15 49:7 52:17 53:8 55:23 57:8 58:10 60:13 62:20 67:18 68:8 81:17 84:13 85:9 89:11,15 91:13, 17 94:9 96:2 100:11,18 102:12 103:25 109:18 110:15 111:10 112:8 114:16 117:14 119:5 120:7 128:8 129:6 130:14 132:6 133:20 134:18 136:6 139:12 141:4 148:3 149:20,25 151:7 159:10 160:2,18 162:16,20 163:12,22 169:12,25	179:7,14 182:21 183:2 187:2,16 192:21 193:16, 19 196:17 198:14,25 204:22 206:17 208:25 210:11 211:25 213:14, 21 214:7,11 217:16,22 221:2 222:18 230:3 231:6 232:5,20, 23 239:21 number 32:7,21 36:14 121:7 152:4 155:13 160:16 233:17, 18 numbered 76:17 numbers 78:8 217:5 nurse 100:2 126:22,24 151:4 NYU 21:3 <hr/> O <hr/> o'clock 9:13 238:3 oath 13:4 objection 36:12,18 233:18 239:14 240:22 objections 7:22 obligation 10:10 observation 56:5,24 64:7,19 66:11,16,25 67:2,16 68:2,10, 14 69:6,19 70:11 71:22 73:2,6,14 75:9 77:3,15,20 78:5, 12 79:6,10,13 80:14 88:8 168:23 169:3,6, 7 170:24 171:2 173:3,21 174:2, 5 175:19 176:2 177:10,12,18,22
---	--	---	--	--

182:18,22 183:14,23 185:15 188:17 189:7 observations 64:11 76:7 78:14 90:23 91:5,14 171:24 172:23 173:5 184:10 185:5, 12,22 186:16 190:22 observe 49:20 56:11 observed 48:25 49:7,17 52:12 55:25 56:19 63:22 64:24 65:21 66:7,24 169:3 173:13 177:16 178:14 196:22 observing 183:6 obtain 20:23 40:12 212:19 226:20 227:16 228:11 237:7 obtained 16:19, 22 17:19 22:12 171:18 obtaining 48:23 obvious 141:23 223:7 obviously 22:24 84:3 89:6 158:2 194:23 210:7 211:3 occasions 94:11 122:23 134:5 occupational 17:4,11,23 20:22,24 21:6, 15,16 25:8 33:17 34:10 45:14 50:18 58:10,12 60:5 61:25 82:23 occupying 175:6	occur 110:20 occurred 67:15 110:23 196:9 October 135:19 151:16 153:4,11 157:8,14 160:15 161:8 162:22 166:23 169:23 170:3 173:20 175:22 181:2,11 187:15 191:2, 15,21 195:19 196:5,9 204:4, 20,25 209:13 237:16 off 31:15,18,21 33:23 39:11 40:14 68:12 69:18,24 85:8, 12 95:24 105:18 133:16 179:16 186:25 192:5,11 229:23 230:24 237:13 offer 201:7,15, 18 offered 26:21 40:18,21 53:14 121:11 201:10 office 13:4 41:4 46:3,8,9 50:20 56:6,7 59:9,10 67:7,11 71:19 72:13,14 74:12, 13 89:25 90:2 98:4 99:6,13,19 101:5,9 112:20, 22 123:22 124:9,13,24 137:3 153:25 154:20 155:5 174:9,10,21 177:5,6 192:12 224:6 231:8 office/therapy 67:23 official 22:20 62:25 63:15 171:20 212:18 229:14 officials 206:13 oh 15:4 18:17 47:14 55:23	56:18 58:22 78:25 85:20 97:24 112:10 116:3 118:25 122:20 124:20 149:25 151:2 156:24 189:14 195:4 205:10 212:12,13 okay 7:2,14,24 8:14,24 9:8,12, 15,22 10:9 11:8, 19,21 12:2,11 13:12 15:15,20, 24 16:6,12,19 17:10,14,19,23 18:10 19:3,6 20:5,10 21:2,4, 11,19,24 22:5,9, 14,21 23:5,9,21 24:8,12 25:3,12, 16,23 26:5,7,12 27:4,11 29:3,21 30:13 32:6,9,15, 24 33:8 37:14, 24 38:8,15,25 39:2 40:17 41:22,24 42:2, 22 43:10,12,22 44:11,16,20 45:12,23 46:5, 18 47:24 49:16, 22,25 50:4 51:23 54:9 55:5, 10,18,23 56:24 57:4 58:8,21 59:6,23 60:3,19, 22,25 61:8,14, 23 62:20,25 63:10,13,25 64:3,5,7,13 65:9,22 66:5,11 67:22,24 68:16 69:14 70:19 71:11,16,17,24 72:6,17 73:5,12, 16,19,24 75:2,7, 19 76:10,19 77:14,23 78:13, 25 79:8,24 80:2, 3,9,13,16 81:9 82:22 83:9 84:13,22 85:9, 22 86:8,15 87:2 88:5,15,16 89:3, 10 90:7 91:13, 17,21 92:4,8,21	93:4,23 94:2,9, 14 95:8,18 96:22,25 97:9, 12 98:10,11,19 100:14,16 101:7,12 102:12 104:20,21 106:13,22,24 107:12,17,21,25 108:11,14,19 109:9,16 110:5, 15,19,23 111:2, 13 112:11 113:17,21,25 114:2,16 115:7, 10,17,23,24 116:20 117:14 118:13 119:3,5 120:18,20 121:21 122:7,10 123:11,15 124:19 125:3,25 127:4 128:6,19 129:6,17,18,20 130:2,11,14,22 131:2,11,20 132:7,20,22 134:9,14,18 135:8 136:9 137:16 138:3,6, 19,23 139:12,19 140:14,23,25 142:24 144:5,8, 12,17 145:2,12, 16 146:15,19,24 148:15 149:9 151:24 152:21, 25 153:13,15, 22,24 154:25 156:10 157:10, 12 158:21 160:9,10,18,23 161:2,7 162:3,5, 9,16 164:11 165:3 166:4,20 167:9,13,17,20 168:14,22 169:12,15,21 170:13 171:9, 13,18,21 172:9, 20 173:24 174:4 175:12,18,25 176:8,17,24 177:7,15 178:15 179:23 180:20 181:21 182:20 183:13 185:2,19 186:3 187:8,11,	16,21 191:20 193:24 194:25 195:15 197:4,7, 13,20 198:7,14, 22 199:7 200:5 202:20 204:3,17 205:13,15,21 206:2,7,16,24 207:17 208:8, 22,25 209:5,12 210:2 212:11,15 213:9 214:6,10, 13 216:8 217:6, 8 218:13,25 219:13 220:3, 12,17 221:7 222:9 223:17 224:18 226:3,16 228:5,19 229:8 230:10 232:4, 16,21 233:17 234:11 235:3,8, 11,23 237:4 239:8,18 old 179:5 older 125:10 218:9 on 7:23 8:21 10:6 16:13 19:15 31:24 32:5,14,24,25 36:5,24 37:10, 15,16 38:5,12 40:15,22 41:24 58:22 59:20 64:12,18,21 65:19,25 66:2, 21,22 67:14 69:3,17,23,25 70:10 74:3 90:13 91:22 94:7,10 96:7 97:14 98:6,9,11 99:22 100:7 103:16 107:10 108:15 112:12, 16,23 117:10 118:10 119:11 122:8 124:18 125:11 126:21 129:20 137:3,9 143:21 146:17 148:24 151:3,9, 16,19,21 152:19 153:2 156:3,23 157:13 160:13
--	--	--	---	--

161:21 162:21 168:17,24 172:21 174:11 177:2 178:3 179:24 180:3,12 182:3 183:2,7 186:4,13 187:14 189:15 190:23 192:6,9,15 194:16 195:9,23 196:9 197:3 198:22 203:20 204:9,24 205:23 207:17,23 208:11 210:8,14 211:18 214:22 219:11 220:21 221:19 222:16, 17,20 224:6,19, 22 228:7,16 229:14 231:3 232:2,5,20 238:17 239:4	178:7 179:15 181:5,7 182:7 184:12,25 189:10,19 190:21,22 191:9,10 193:13 196:20 198:12 206:4 208:21,22 212:4 223:7 226:9 227:5 229:5,13 231:15 232:13,16 234:24,25 237:15 239:6 one-day 38:7 one-to-one 138:12 148:13 149:10 167:17 178:17 179:9 one-to-ones 142:4 ongoing 209:7, 18 213:20 only 8:19 34:2 39:24 41:2,6 42:14 45:22,25 49:11 50:22 54:7 56:2,3 57:3 63:9 64:25 65:24 66:7 85:11 88:25 111:14,21 120:20 133:3 134:20 136:21 145:10 147:12 148:14 150:19 153:14 156:20 161:23 172:7,13 180:16 213:24 214:7 226:6 240:24 OP 198:16 open 39:20 54:7 73:7 154:17 221:17 232:2 239:2 opportunity 196:18 206:19 opposed 200:6 opposite 175:3 order 27:8 32:14 36:20 123:10	136:13 ordered 98:6 organized 101:21 186:11 240:7 orientation 82:4 208:2 original 41:23 176:19 224:22 225:2 originally 139:7 162:6 172:4 184:24 orthopedist 93:9 107:8 OT 19:15,17 24:10 52:21 59:16 60:16,17 61:4 62:12 67:23 71:19 148:20 178:17 220:3 OT's 49:12 other 12:24 14:7 15:21 28:6,8,13, 23 29:25 30:22 34:19 35:9 45:3 50:11 56:19 62:13 64:13 67:19,24 68:5 71:5 77:25 78:13 79:12 81:20 82:7 85:24 86:2 87:5 89:5 93:11 95:22 111:7,24 112:19 115:2,17 117:20,23 125:11 127:19 134:21 140:7 141:21 145:22 146:9,15 147:10,16 148:16,18 151:13 155:6 156:8 158:14 159:15 170:9 176:3,7 184:2 188:11 197:13 200:15,17,21 201:20,21 202:4,9,13 209:14 210:8,16	211:11,16,19,21 213:12 215:21 216:8 219:16 221:21 222:5 225:11 226:10, 13 228:25 234:7 236:3,16,17 237:2,14,18 238:19 others 30:14 otherwise 66:2 161:24 170:20 199:14 OTS 48:11 our 59:21 127:7 174:11 228:6 out 7:16,21 8:4 13:19,21 22:24 27:5,9 28:2 35:17 36:8,21 39:15 47:16 48:10 67:3 68:19 69:20,25 72:20,22 82:6 85:21 99:21 101:24 104:9 106:21 125:24 126:20 127:2,11 129:18 133:23 138:24 141:2 148:23 156:5 157:20 159:10, 19 165:16 178:17 182:10 184:19 189:11 190:14 191:14 194:19 198:9 201:12 205:24 212:4 214:5,18, 24 215:6 220:19 223:14 235:3 outburst 66:19, 20 outside 28:9 40:25 154:16 177:5 180:14 226:18 229:25 over 11:18,21 12:4 32:11 48:12,13 53:12, 13 82:14 88:9, 10 102:16,17, 18,22 105:24 108:7,9 114:21	131:2,3,7 132:5 134:25 178:3 186:16 193:3 194:3 207:25 219:22 own 19:20 20:4 23:24 28:18 30:8,9 75:9 76:6,12 83:3,8 95:20,23 103:16 158:6 174:9 180:12 183:4 219:24 <hr/> P <hr/> p.m. 204:25 241:6 pads 61:10 page 14:22 151:21,24,25 153:3 157:13 160:14 162:21 204:24 207:18 208:11 233:8 paid 24:18 30:25 31:3,4,5 198:2, 10 215:25 217:14 221:6 pain 9:21,23 91:23,25 92:12, 13 94:8,16 95:4, 7,8 96:2,7,12,16 97:20 98:3,5 99:16 113:12,14 209:13 210:18 211:9 panicked 34:12 paper 61:10 papers 49:21 76:17 88:22 123:5 paperwork 100:23 101:4, 10,11,16,22 102:23 103:12 215:7 paragraph 167:24 paraprofession al 19:12 20:6
--	---	--	---	--

28:16	123:19 126:5,16	36:1 37:1 38:1	173:1 174:1	21,24 84:7
parent 74:23	127:9,10 133:15	39:1 40:1 41:1	175:1 176:1	102:16 108:7
park 54:5 99:17	141:21 148:19,	42:1 43:1 44:1	177:1 178:1	131:2,13 133:15
part 14:21 18:9	25 149:5 150:22	45:1 46:1 47:1	179:1 180:1	134:17 174:4
23:7 41:19	155:7 157:20	48:1 49:1 50:1	181:1 182:1	175:5 191:19
43:17 57:25	158:15 159:9,14	51:1 52:1 53:1	183:1 184:1	194:24 215:11
73:8 87:11	168:17 178:9,24	54:1 55:1 56:1	185:1 186:1	223:21 224:5
112:22 128:16	190:10 212:25	57:1 58:1 59:1	187:1 188:1	person's 25:12
135:7 156:17	222:20 225:4	60:1 61:1 62:1	189:1 190:1	33:15
158:23 159:2	people's 70:5	63:1 64:1 65:1	191:1 192:1	personal
170:24 215:2	per 84:18,19	66:1 67:1 68:1	193:1 194:1	191:11 194:17
222:15 225:6	220:24 227:5	69:1 70:1 71:1	195:1 196:1	228:22 235:24
part-time 29:11	229:19 230:11	72:1 73:1 74:1	197:1 198:1	238:16
49:23 50:24,25	percent 74:18	75:1 76:1 77:1	199:1 200:1	personally
51:18,24 52:3	75:5 86:24 87:3,	78:1 79:1 80:1	201:1 202:1	107:22 170:6
53:9,21 54:11	7,9 88:15,16	81:1 82:1 83:1	203:1 204:1	persuade 35:11
56:13 58:3	Percocet	84:1 85:1 86:1	205:1 206:1	pertains 17:16
particular	210:17,22	87:1,15,20 88:1	207:1 208:1	phase 32:16
160:25	Percocet along	89:1 90:1 91:1	209:1 210:1	33:11
parties 36:10	210:16	92:1 93:1 94:1	211:1 212:1	phone 8:17
37:16 40:25	perfectly 69:7	95:1 96:1 97:1	213:1 214:1	12:5,6 31:22
41:3	70:13	98:1 99:1 100:1	215:1 216:1	33:2 59:20
party 38:18 71:5	performance	101:1 102:1	217:1 218:1	64:17 65:9
pass 103:21	86:3	103:1 104:1	219:1 220:1,3	78:25 99:6
104:6	performed	105:1 106:1	221:1 222:1	101:25 102:16,
passed 95:7,8	19:23 52:14,18	107:1 108:1	223:1 224:1	18 104:25
past 198:12	98:8	109:1 110:1	225:1 226:1	105:24 108:7,9
patients 60:24	period 20:12,14	111:1 112:1	227:1 228:1	109:6 112:12,23
61:19 62:15	21:21 22:22,25	113:1 114:1	229:1 230:1	124:24 126:15
pay 24:24 26:9,	24:6,20 34:9	115:1 116:1	231:1 232:1	131:2,3 134:25
10,11 84:9,16	48:24 49:4,9,11	117:1 118:1	233:1 234:1	135:3 137:3,9
201:10 216:5	51:20 52:5,8,10	119:1 120:1	235:1 236:1	141:5 146:2
217:6 220:20	53:10 54:12,13	121:1 122:1	237:1 238:1	147:7,15,23
paying 24:17,18	55:12,13,19,21	123:1 124:1	239:1 240:1	149:13 152:15
payment 237:9	59:19 76:16	125:1 126:1	241:1,13	155:2,5,13
pays 31:6	94:15 96:9	127:1 128:1	permanence	157:25 159:3
220:15,16	108:5 201:16	129:1 130:1	22:19	160:2,20 192:9
peed 178:3	210:23 218:24	131:1 132:1	permanent	195:18 214:2
pending 8:20	223:25 224:2	133:1 134:1	18:4 21:14	219:11
89:9 199:8	226:21 227:7	135:1 136:1	22:12,17,20	phoned 64:10
people 7:18	periods 55:16	137:1 138:1	23:4,14 30:15	78:15,17 155:16
35:20 48:20	Peritz 6:8,12 7:1	139:1 140:1	48:13,15,23	phones 112:16
56:22 71:2,3	8:1 9:1 10:1	141:1 142:1	52:16 81:24	phonetic 12:22
75:15 76:15	11:1 12:1 13:1	143:1 144:1	82:12 188:15	22:6 187:20
83:2,10,23 84:9	14:1 15:1 16:1	145:1 146:1	190:7,17 191:3	194:8 229:4
89:6 104:16	17:1 18:1 19:1	147:1 148:1	198:18 199:5	physical 81:6,
107:10 111:24	20:1 21:1 22:1	149:1 150:1	permission	11 93:19 95:12
119:11 120:23	23:1 24:1,10	151:1 152:1	42:18 51:16	113:4 131:22,25
	25:1 26:1 27:1	153:1 154:1,22	58:3 69:2 72:13	137:12 143:10
	28:1 29:1 30:1	155:1 156:1	permitted	146:10 159:23
	31:1,25 32:1,25	157:1 158:1	100:21 154:25	189:21,24
	33:1,7 34:1 35:1	159:1 160:1	155:11	193:10 203:13
		161:1 162:1	person 11:22	
		163:1 164:1	12:4 25:11	
		165:1 166:1	36:17 83:11,18,	
		167:1 168:1		
		169:1 170:1		
		171:1 172:1		

209:2 211:23 212:9,20 228:15,17	plans 167:11	posed 7:2 8:9 137:11 231:8	precipitated 135:2	printed 141:2 182:10
physically 79:16 114:3,10 125:7 129:11,24 131:9 132:13 179:6	played 66:2	position 19:6,7, 9,10 21:9,12 22:3,13,21,24 25:7 26:18,21, 22 35:13 45:12, 19 47:13 48:8 50:12,17 52:5 53:9,14,22 54:24 57:16,24 63:2,15 81:11 82:11,19,22 84:9 133:8 224:19 229:8	preclude 232:8	prior 18:24 28:12 33:13 35:23 36:3 79:19 81:18 92:8,15 96:2 102:13 115:3 129:7 146:24 168:10 173:5,16 188:13 191:15 203:11,15,16
physician 62:12	please 6:7,9,21 7:10 67:8 80:4 110:2 162:16 204:12 208:3	positioned 139:11	preference 184:9	private 23:24 24:22 28:18 45:7 158:6 174:18 226:16
physicians 103:13 213:12	pledged 22:25 68:23	positions 30:16 222:9	preparation 11:9 12:11,25 13:23 15:17 41:8,9	privilege 36:12
Picarello 112:20 119:2 121:16,22 154:11 155:23 156:14 162:22 163:4,24 164:7, 11 168:10	PLLC 24:10,11 220:4	positive 75:5 77:22 194:3 239:12	preschool 19:25 29:7 31:4	privy 192:10
pick 159:18	plus 7:25 84:11 225:4,6	possible 97:6 141:23	prescribed 93:18 210:16,21	proactive 156:21
picked 124:24 126:15	point 15:7 18:22 29:11 37:9 51:3, 11 81:17 82:7 99:20 101:12 105:21 109:23 116:18,19 118:5 126:21 127:23 132:5,19 134:24 137:5 138:16 139:11 141:3,4, 7 142:7 146:16 155:17,19 158:3 160:24 161:5 163:18 165:13 174:13 175:15 180:6 182:7,25 185:23 186:2 188:2 189:3,13, 23 190:16 192:8 196:18,24 197:15 203:19 204:7 206:4 223:6 224:23 235:12 239:12	possibly 59:21 74:16	present 45:23 67:18 72:3,5 111:17 174:6 187:16 192:18 228:13	probably 8:10 15:8 72:12 83:12,18 93:9 105:21 118:4 119:18 120:22 132:3 137:18 142:21 160:9 164:5 165:22 171:10,17 172:10 190:6 211:6 219:5
picking 236:12	places 50:23 51:2 124:7,8	post- observation 185:9,14	pressure 211:18	probationary 21:12,13 22:22 34:9 48:9,11,23 49:4,9,11 51:20 52:4,8,10 53:10 54:12,24 55:6,7, 12,13,16,19,21 57:16 58:5 81:23 82:10 183:15
place 7:22 14:16 67:22 71:21 83:14 115:21 139:4 178:3,21 211:21 212:12 215:3	placing 232:20	posting 83:13, 14,15	presumably 159:15	problem 35:15 100:2 115:23 117:11,12,15 120:21 140:19 158:20,22 211:3 212:6
plaintiff 33:7,12 36:25 39:18 40:3,6,9,11 205:19 228:8 231:17 233:21 237:11	plaintiff's 14:13 32:2,17 34:5 35:21 44:24	potential 222:23	pretty 67:17 220:22	problematic 169:4
plan 128:10 138:25 169:10 189:2 215:17 218:6,14 225:2 233:22 234:7,11 235:4,6,8,17,18 240:20,24	policies 206:19, 20 207:2,11,22	pounded 154:9	prevent 8:25 9:5 179:6,12,17 180:24	problems 144:11
planned 66:13 192:6	policy 183:14 206:19 214:8	pounds 117:4, 24 119:8 122:12,24 128:25 129:5 133:9 134:3 141:9	previous 98:9 104:7 156:6 190:11 240:6	proceed 26:5
	politically 162:15	practice 19:21 20:4 23:24 24:9, 23 28:18 75:7 83:3,8 95:20,23	previously 42:19 45:15 124:16 166:22 169:15 183:16 186:5,6 212:24	
	poor 126:4	pre- observation 64:8	principal 42:16 112:13,20 115:22 126:22, 23 129:14,15 144:3 145:2,17 149:4 154:10,12 166:14 180:15	
	pop 121:15	pre- observations 173:6	principal's 59:10	
	population 193:14,21		principals 112:13 113:24 144:9 148:9 186:18	
	populations 46:23		print 37:22 194:19	
	pose 8:6			

43:10	providers 213:12	putting 69:3 94:23 105:18 180:3	187:3 200:6	84:21 92:23 97:3 98:3 100:13,22 103:23 104:15 106:6,8 108:16 109:2,8,13 110:18 113:18 122:19 124:22 127:12 129:14, 17 130:2,13 132:24 133:15 136:22 138:10, 17 139:4,22 142:10 148:12 150:23 154:23 155:4 163:14 164:23 166:15, 21 187:3 193:22 211:10 214:2 240:8,9
proceeding 200:15	providing 231:11	Q	quite 53:15 155:24 185:3	171:3 172:3 173:3 174:3 175:3 176:3 177:3 178:3 179:3 180:3 181:3 182:3 183:3 184:3 185:3 186:3 187:3 188:3 189:3 190:3 191:3 192:3 193:3 194:3 195:3 196:3 197:3 198:3 199:3 200:3 201:3 202:3 203:3 204:3 205:3 206:3 207:3 208:3 209:3 210:3 211:3 212:3 213:3 214:3 215:3 216:3 217:3 218:3 219:3 220:3 221:3 222:3 223:3 224:3 225:3 226:3 227:3 228:3 229:3 230:3 231:3 232:3 233:3 234:3 235:3 236:3 237:3 238:3 239:3 240:3 241:3 242:3 243:3 244:3 245:3 246:3 247:3 248:3 249:3 250:3 251:3 252:3 253:3 254:3 255:3 256:3 257:3 258:3 259:3 260:3 261:3 262:3 263:3 264:3 265:3 266:3 267:3 268:3 269:3 270:3 271:3 272:3 273:3 274:3 275:3 276:3 277:3 278:3 279:3 280:3 281:3 282:3 283:3 284:3 285:3 286:3 287:3 288:3 289:3 290:3 291:3 292:3 293:3 294:3 295:3 296:3 297:3 298:3 299:3 300:3
process 18:9 47:23 49:13 52:13 58:2 199:18 200:4 201:25 208:19 214:22 215:14 217:24	provision 214:22	quarter 9:14	quote 167:24 210:7	R
produce 73:23 238:22	PT 45:25 83:18, 20,24 84:6 95:5 190:10 211:24	question 6:22, 23,25 7:16,21 8:4,12 10:22 15:7,13,15 25:22 29:13,17, 18 39:16,17 40:4,7 41:16 54:9,17 57:17, 19,21,22 60:25 62:16 70:8,12, 13,14,18 71:11, 12 75:12 77:7,9 79:24 80:2,3,4, 19 86:4 87:16, 18,24,25 89:9 120:9 148:2 152:22 161:25 162:4,6 165:16 169:17 180:20 186:13,14 189:4 191:13,18 193:15 197:3 202:12 204:3 208:7 225:8 231:22 233:24 234:2,16 239:6	R.C. 66:10	reality 148:9
produced 14:23 75:4 205:20 206:14 231:15 238:13	PT's 49:12	questioned 13:3 169:8 193:13	raining 9:21	reason 10:13 65:2,24 85:13 88:25 128:24 202:17
production 44:21 205:17 212:19 213:11 217:12 219:2,14 226:4 227:11 238:10	PTS 48:11	questioning 33:12	rains 9:25	reassigned 198:3
professional 17:20	public 6:3 18:25 45:4 222:10 225:11 241:22	questions 6:17, 21 8:6,9,20 9:2, 10,18 13:17,21 36:11 37:7,19 40:9,10,12 48:22 70:22 120:5 137:11 231:7,9,12 238:23	raise 144:2 145:19	rebut 181:19
program 24:18 82:24,25 228:11	pull 32:20 111:10 128:22 135:11 139:3,14 148:12 165:6 235:20	quicker 151:11	raised 145:16	rebuttal 77:20 81:2 169:13 197:8,14
programs 225:16	pulled 132:13 141:14 175:9	quickly 15:10 100:5 123:5	ran 126:20	rebutting 182:16
progressed 95:13	pulling 165:8		rapport 183:11 186:7	recall 9:19 10:14,15,22 12:24 29:22 30:14 44:5 46:18 47:8 69:12,14 70:5 77:19 82:13 90:13 110:15 118:19 140:7 158:21 163:10 164:15 166:5 191:20 206:24 229:18 231:6,11 237:23
prohibited 117:3	purely 173:9		rate 84:18 220:12,17,24	recalled 237:24
project 185:25 188:25 189:2	purpose 35:12		rating 78:8 90:13,18	recalling 9:5 10:19
prompted 163:21	purposes 34:2 39:25 41:7 57:2 151:22 173:10		re 77:5	receive 73:5 77:23 79:12,13, 16 93:4 152:9
prove 71:9	pursuant 30:23 146:5		read 29:18 57:22 62:8 74:5 123:5,7,23 190:24 208:16, 22 238:15	
provide 163:4 204:18 220:9 221:9 226:12 232:11 233:15 238:21	push 111:10 128:17,22 129:10 135:11 139:3,14 148:12 165:6 235:20		readdress 130:10	
provided 73:2 80:10 110:13,16 122:3 136:6 145:24 185:15, 17 207:23 231:24 232:6,18 237:18	pushed 114:6 124:15 125:18 128:9 132:13 141:13 142:16 150:3		reading 29:16 163:9 167:19 208:20	
	pushing 127:16 165:8		reads 233:21 235:16	
	put 32:14 38:5,9 61:9 66:7 67:14 69:23 76:22 151:2 226:7 232:5		ready 15:12 80:19,21 166:25 169:17,19 187:7 233:6	
	puts 226:9		realize 68:25 131:21 154:15 174:13 189:22	
			really 15:7,9 29:20 34:12 36:13 43:3 53:12,23 54:19 56:11 58:24 61:11 65:5,8 68:18 79:24	

164:3 187:14 198:16 206:18 225:15 received 76:7 77:3 80:23 86:3 88:7,8 89:21,22, 24 90:8,18 153:24,25 187:12 219:2 receiving 47:23 188:15 recently 210:3 218:21 receptive 165:13 recess 121:5 recognize 110:9 135:24 187:9 204:22 208:9 recollection 75:4 89:2,20 97:6 99:8 182:11 recommend 37:6 recommended 27:8,20,23 34:14 47:22 111:6 record 6:7,9 7:9,23 8:8,21 14:18 31:15,18, 21 32:14 33:23 36:24 39:11 40:14,16 44:24 65:9 66:7 70:4, 14,20 85:12 86:10 87:13 102:3 105:2 119:15,21 120:2 140:14 170:4 186:25 195:17, 24 205:23 222:16 228:7 232:5,20 237:13 recorded 70:16 105:3 108:10 recording 120:2 records 35:17	65:13 71:15 72:7,23 79:8 102:5 105:4 120:13 140:16, 20 181:8 196:2, 4,8 212:20,22 227:16 228:10 237:5,8 recreational 10:3 recur 113:8 redone 131:19 139:5 reduce 125:20 127:24 reduced 26:22 125:5 reducing 128:3 reemployed 218:23 reference 44:13 151:8 157:19 173:20 182:2 referenced 53:3 111:8 167:6 references 46:21 47:25 48:2 167:24 179:14 referencing 110:12 153:19, 22 157:7 162:7 164:11 181:2 referring 59:7 72:19 75:22 136:4 197:11 198:8 204:15 reflection 61:2 refresh 20:20 refused 172:18 196:14 199:22 221:9 233:14 refusing 33:19 34:4,6 regard 147:10 regarding 12:22 81:23	160:6 171:2 177:21 202:21, 24 203:4 227:17 231:8 registered 17:9 regs 214:23 regular 59:12 regulations 191:24 192:6 207:11,22 Rehabilitation 110:7 reinstate 223:4 reinstated 224:20 reject 201:18 rejected 201:19 relates 232:7 relationship 186:6 Relax 78:12 relayed 103:17 116:2,10 release 210:6 releases 212:18,24 213:4 remain 57:9 239:2 remainder 63:18 remained 50:5 51:2 remains 156:9 remember 10:16 13:3 22:5, 8 25:12 27:19, 22 29:4,10 42:11 45:21,23 46:2,5 47:18,25 50:8 51:14 61:17,20,21 64:5 65:24 66:2 67:15,20 72:4 73:8,18,21 74:19 78:4 79:4 80:13 83:19,25 84:5,14,16,22	88:17,18 89:17 90:7 98:19 99:5 102:21 103:3 105:15 107:5,7, 12 109:3,5,9,13 126:23 130:19 135:2 136:18 137:10,18,19 140:19 150:21 155:16,25 156:8 163:12,13 164:5 166:6 170:21 171:8,11,12 172:3,17 173:18 176:7,9,23 177:11,21,25 179:20 182:6, 21,24 189:20 199:19 201:9 206:23 224:8 remind 7:10,12 233:24 reminder 57:10 remorseful 67:4 removed 14:21 renew 18:5,6 renewal 18:9 renewed 18:10 rep 75:14 223:17 repeat 29:13 57:21 repeatedly 87:25 rephrase 6:22 report 73:6 77:11,15 80:9, 14 86:2 89:12, 21 90:8,17 97:13 106:24 150:18,19 151:4 164:3 168:9 172:12,24 reported 107:4, 14,18 164:7 230:23 reporter 7:7,17 reporting 122:8 reports 75:9 91:15 167:10	represent 6:14 33:4 representative 59:22 75:23 111:25 188:8 229:13 representative s 206:12 represented 149:16 reproduced 234:2 reps 223:7 reputation 34:9 35:22 36:5 request 118:6, 15 128:15 130:16 132:8 134:6 138:3,8 141:24 143:14, 22 149:9 153:8 185:20 186:15 187:23 202:24 203:4,13 237:7 238:18 requested 128:13 145:23 228:5 237:4 requesting 117:23 140:7 requests 81:10 149:20 require 116:20 required 122:11,24 123:12 215:10, 12,13 requirement 183:14 184:21 reserve 40:11 resign 172:19 223:8,18 236:22 237:2 resigned 223:9 resist 139:24 resolution 32:13 38:23
---	--	---	---	---

275Index: resolve-same

resolve 144:14, 18 199:11	195:24	18 122:22 132:6 133:23 140:6 141:5 144:11 148:18 149:7 150:4 151:18, 20,23 152:16 153:9 157:21 161:11 162:17 168:12 174:5 175:20 187:2 191:20 193:16 196:17 198:11 200:7 203:18 207:25 217:22 221:2,21 222:22,25 223:11 231:23 241:3,4	rouse 178:10	117:12 118:4 121:24 124:16, 25 125:4,19,23 126:2 127:4,6,9, 11 128:4,6,21 129:4,12 130:5, 9 131:19 132:3, 24 133:3 134:18,20,22 136:20 138:13, 14,20,21 139:7 142:7,19 143:19 144:15,18 145:14,15 146:13 147:16 150:23 154:9, 10,11,12,14,20, 21,22,24 155:7, 10,11,12 158:4, 19 159:11,15 160:9 161:4 162:24 163:15, 18 164:23,24 165:5 166:4,9, 14,17,18 167:25 170:25 171:12 172:5 174:8,10 175:8,19 178:11,13,15,16 179:9,23,25 180:7,10,17,22 181:19 182:7,23 185:25 188:22 189:17,18,21,25 190:9,12,14,18, 22 191:8,18 192:2,14,17,18, 21 193:7,8,14 194:13 195:4,5, 7,8,23 196:15, 16 197:20 199:25 209:10 210:25 211:2 215:22 218:21 235:13 240:7
resolved 43:12 236:10,12,13	retire 215:17	rights 223:13	roused 178:10	
resource 111:22 130:16	retired 25:14	RKS 153:18 154:2 155:6	routine 142:17	
resources 101:13 107:19, 23 109:14 110:21 127:14, 15 128:2 129:7 133:6 134:21 136:12 145:20 146:3,10 147:2, 8 148:4 149:14 206:21	retirement 214:13,15 215:2 217:16,19 218:8,17 219:3 228:2	Robert 204:20 205:9	rude 70:7,12,13, 15,17	
respect 240:19	retiring 48:20	role 25:9 50:24 51:24 52:3 54:11 57:13 58:19 59:16 60:16 61:4 84:7, 24 85:2,10	rule 38:17	
respond 65:2,6 163:4 199:25 200:2	retroactive 26:11	roll 126:8	rules 191:24 226:25 227:4	
responded 170:19 193:11 195:2 206:9 213:7 231:7	retrospect 94:25	room 46:2 56:21 67:23 68:14 71:19,24 124:9, 23 142:5,12,15 143:6,17 144:23 155:6,8 163:23 164:12,17,19 168:5 174:22,25 178:17 180:14, 18	ruling 32:4 37:4, 13 39:16,19 40:4,5,6 41:24, 25 221:15,19 231:22 232:2,3 239:3	
responding 186:2	return 104:3 121:13 197:21	Rosalind 39:6	runner 163:15	
response 77:20 81:2 169:13,22 170:9 188:23 197:8,14 234:3 235:16	returned 14:8 19:25 24:12 25:3 26:20 28:20 44:10 111:3 214:20,21 215:3	Rosemary 112:25 123:6,21 132:16 133:10 134:3 144:10,13 145:5 148:17 149:8 171:23 172:5 176:4,10, 13,18,20,22 178:20,24 184:13 186:20 193:19	running 126:12, 13	
responses 231:14,16	returning 108:13	roughly 201:12	rush 135:6 150:10	
responsibilities 58:13,18 60:15 61:3,24	returns 165:21		résumé 49:2 52:14 188:19 189:5	
rest 61:12 95:11 165:24 166:2 179:19 205:11 224:25 227:2	review 12:12,14 13:6 38:2 62:3 207:2		S	
restart 103:2	reviewed 12:15, 16,19 14:2 15:14,17 41:3		safe 100:17 126:20 136:22 137:25 165:10, 12	
restrictions 95:9,15 111:7	Revoked 18:2		said 11:9 23:23 29:20 36:19 40:18 48:10,12, 16,18,25 49:7, 17 51:18,20 52:9 54:15,25 56:3 57:5 64:10, 20 65:4,22 67:5, 6,8,12 69:9,11, 16,20,25 76:16 78:11,16,24 79:21 83:3,9 84:8,13,23 90:24 92:5 95:11 98:9,19 99:14,20,21,25 100:13,22 101:3,7,20 103:19 106:5, 16,19 108:21 109:3,18 112:4, 5 113:25 116:4	
restroom 8:18	ridiculous 193:10			
result 213:15	right 10:17,25 13:19 14:7 31:16 32:10,25 35:3 38:20 39:3, 8,10 40:11 41:19 49:21 50:22 51:9,10, 15 52:23 54:22 61:22 63:21 68:13,15 72:2 75:19 77:9 83:5 85:4 89:11 95:14 97:16 98:23 99:7 101:20 105:15, 23 107:24 113:2 117:6 120:4,7,			
resumed 26:4				
retained 30:23				
retainer 192:15				
				salaries 221:4 salary 201:16 230:7 same 7:18 19:9 24:2,4,7 34:3 56:6,7,21 57:18 60:6 71:21 74:11 77:7 84:11 86:4 88:9 99:4 107:25 143:23 223:24

276Index: sat-she

sat 73:11 174:11 175:7 176:25 satisfactory 78:8 90:15,19, 24 satisfied 121:10 146:4 Saturday 11:15 save 39:16 194:19 saw 61:15,21 65:23 74:4 87:4, 5 93:9 109:21, 23,24 111:21 126:15 154:19 158:18 178:18 179:3 190:19,20 210:3 211:25 212:7 say 7:8 42:22 59:6 62:11,12 66:9 71:7 72:17 75:22 86:12 94:14 100:25 106:14 107:15 108:4,19 115:24 128:22 134:10 138:7 142:19 144:22 145:5 146:24 156:12 159:2,14 160:24 164:20 166:12 171:7 174:16 175:12 181:23 186:4 188:11 190:8 197:10 198:7 203:7 210:9 226:24 228:12 230:11 234:19 239:13, 22 240:13,16,20 saying 41:13 70:25 83:6 104:20,21 105:19,20 108:16 129:16 135:11 149:3 154:2 163:8 170:19 186:10 189:10 193:11 198:14 202:10, 16 238:4 239:16 says 35:21 156:23 160:8	163:7,20 165:21 172:18 176:21 180:24 181:7 196:14 205:8 206:4 210:8,10 231:16 scan 89:13 scanner 89:14 Scara 155:24 Scaraguy 187:19 schedule 58:15 64:15 70:2 78:24 123:7,23, 24 scheduled 64:14 178:7 187:22,24 scheduling 173:10 scholarship 24:17 55:2 school 17:17 28:2,6,9 29:12, 22 30:2,25 33:17 45:4,7 46:23 49:10 50:3,6,11 51:4,9 56:18 57:9,10 59:13,17,20 63:17,23 79:6, 14 80:24 81:5,9, 25 82:7,15 85:3 86:3 91:6,11,14 100:10 102:14, 25 103:3,15 104:3 105:13,15 106:12,24,25 107:3,6,13,17 112:17,24,25 113:15 119:2 123:2,6 126:7 132:8 142:14 144:24 148:14, 16,18 154:12,14 156:7,19 171:21,22,23 184:2,4 185:6 187:13 188:6 201:11 222:10 225:11 231:16, 18,20	schools 19:23 28:23 29:4,7 112:14 124:2 sciences 20:22 score 222:17 scripts 62:12 search 238:18 second 15:5 20:22 60:8,13 80:18 92:7,8 94:3 96:3 104:11 107:15 135:9,21 136:2 146:3 147:8 149:14 152:20 153:2 157:11 159:4 160:3,14, 21 162:19 172:7 183:7 187:6 199:23 204:17 207:11 208:6 Secondly 53:21 secretary 90:2 section 205:8 security 36:14 227:21 see 20:8 32:12 42:19 63:8 90:3 91:14 100:24 109:19 117:4 121:15 131:7,11 152:5 153:4 157:17,22 160:16 161:9,16 162:7 163:2,13 165:7 167:23 178:23 180:2 192:17 205:3,6 223:20 224:5 233:19 seeing 88:17,18 seek 27:5 35:17 39:19 40:4,7 227:21 232:8 239:3 seemed 25:23 seen 60:10,12 62:13 103:13 172:8 178:2 180:16 193:4 207:14,15	209:19 seizure 126:10, 14 127:8 seizures 126:18 Selften 12:22 Selina 125:24 126:2,4 127:7 130:8 131:7,11 132:2,8 Selma 12:22 113:22 137:5 138:22 140:21 152:4 155:23 157:15 160:15 161:9 192:9 send 13:10 102:8 171:4 181:21 189:19 217:7 senior 21:15,16 22:2 25:8 sense 33:15 37:20,25 179:25 sent 14:2 73:17 74:12 87:8 170:18 185:23 188:25 219:12 238:14,16 SEP 225:21,23 226:6 separate 17:15 82:19 84:8 200:22 217:2 separated 209:24 separately 207:5 separating 124:2 September 103:5 148:4 151:19 152:17 168:24 169:7 173:20 175:19 176:12 177:10 182:17,22 211:8,12 series 93:20 serious 120:7	service 21:9 23:10,13 27:10, 14 47:20 51:17 191:23 222:15, 17,19 224:19 225:12 services 220:9 serving 54:12 session 64:24 65:20 66:14,17, 19 91:18 92:10, 17 96:24 97:10 167:15 169:3 173:13 178:6 179:19,21 183:7 240:3 sessions 183:16 set 86:9 98:5 174:21,24 180:14 209:19 setting 17:11, 13,17 18:25 28:14 45:5 109:14 110:20 settlement 43:13,14,17,23 44:12,17,21 201:4 236:14 seven 211:6 several 148:25 178:9 share 46:3 50:20 112:18 119:11 147:16 160:5 165:4,18 225:7 shared 34:18 40:25 41:2 165:14 sharing 147:9 she 7:23 11:17 27:23,25 33:16, 20,21 34:4 35:23 36:2,10 37:3 46:2,4,20, 21 47:14,17,19, 22 48:10,12,16, 18,25 49:7,13, 17,20 50:9,19, 20 51:6,16,20,
---	---	--	--	---

21 53:15 54:15 56:5,6,8,10 62:3,5 64:10,15, 20 65:4,7,22 67:6 68:21,23 69:6,11,16,17, 20,25 70:16 72:5 73:2,11 75:5 78:7,11,16, 23,24 81:20 86:21,23 95:11 100:8,11,13,15, 16,17,25 101:3, 9,10,15,20 105:22 106:16, 19 108:21,24 109:2,3,13 124:5,14,15 125:18,23 126:2,5,6,9,18, 19,20 127:7,11 128:4 130:9,12 131:6,7,19,21, 22 146:13 154:5,19,21,24 155:7,11,12 156:7,10,17,21 158:4 159:14, 15,19 161:22 164:22,24 165:13,21 166:6,12,15,16, 17,18 172:4,8,9, 10,23 174:8,10 175:8,10,11,15, 24 177:4 178:15 179:14 180:11, 12,22 181:19 182:16,25 183:2,6,20 184:12,13,23 185:16 186:2,10 188:22 189:2,18 190:5,6,8,9,23 199:16 229:5, 11,13,14,16 231:16 238:21 239:13,20,22, 23,25 240:2,3,6, 7,8,9,13 she's 22:10 33:19 34:6,12, 23 37:4 41:13 86:22 126:8 154:10,12 166:18 189:14, 15 190:22 192:9	231:21 Shelton 15:22 36:10 111:20 130:8 152:4,10 Shields' 39:6 shocking 70:23 shoes 179:16, 24 180:3,4 short 20:11,14 114:12 shorter 8:10 shortly 25:14 shots 95:5 209:20 should 13:16 27:9 29:20 37:15,16 60:20 75:17 94:10 106:9,17 115:21 117:17 120:22 125:5 132:6 136:23 138:17 154:2 156:13 158:12 168:2 171:4 175:8 178:11 180:13 188:5 193:17 207:2 221:2 226:25 shouldn't 65:8 95:17 106:17,21 125:25 126:6 135:11 139:3 181:23 shovel 54:5 show 169:15 showed 104:10 sick 215:25 side 189:15 sign 44:16 74:15 90:3 181:16 196:14 signature 207:17 208:11 signed 154:4 207:15 208:10 241:17	significant 65:3 67:17 100:9,11 signing 206:24 207:21 208:15 Silverman 6:14 33:3 simply 71:11 since 13:12 16:12,20,25 17:21,22 18:12, 13,14 23:12 30:2 193:16 209:12 222:4, 10,13 225:5,13 226:14 227:22 228:2,8 230:11 singled 223:13 sit 10:17 14:9 85:25 88:6 175:6,8 217:17 229:18 site 99:22 sitting 149:5 179:13 180:8,14 192:13 situated 50:9 situation 126:3 137:23 158:6 163:12 164:9, 12,15 184:15,16 208:20 213:20 six 20:11,15 22:23 49:11,19 52:6 54:25 size 174:25 sleep 179:11 238:4 sleeping 94:6 176:5 177:14,19 178:2 182:17 slightly 220:20 slowly 114:13 small 124:5,6 smaller 125:8 smoothly 69:7 snow 54:2	social 36:14 227:21 socks 179:16, 24 180:4 solved 211:3 some 6:17 12:22 13:20 14:2,5 15:22 19:23 28:22 29:11 30:6 32:12 36:22 38:23 51:3,11 64:19 89:19 92:22 103:14 109:23 111:22 116:19 117:23 126:24 132:5 134:24 141:2 151:11 153:17 155:17 156:15 158:3 163:18 176:24 183:11 193:18 204:7 206:2 212:17 216:18 219:5 223:6 235:12 239:12 somebody 27:8 48:17 64:24 70:20 74:11 99:22 104:17 118:12 119:18 126:13,14 128:17 133:14 139:18 144:22 151:3 154:10,16 163:18 164:20 somehow 72:5 126:16 129:18 149:6 someone 25:14,15 47:20 69:18 77:8 111:23 125:24 134:6,11 139:21 156:17,24 177:8 189:20 229:3 someplace 216:23 something 8:3 13:10 18:7 19:18 23:13 26:8 27:15 36:13,14 38:21	48:15 52:6,19 54:8 59:8 68:21 74:5 76:25 77:16 90:9 111:22 115:25 124:5,15 126:6 142:6 149:12,22 150:21 158:12 181:25 189:22 190:18 200:6 204:2 213:22 216:19 218:24 219:12 233:2 235:20 sometime 24:6 103:5 sometimes 7:5 219:19,20 somewhat 132:16 somewhere 64:6 196:13 222:16 soon 68:12 105:11 107:3 108:17 sore 150:9 sorry 26:23 29:2,12 43:21 76:5 81:14 100:4 112:10 121:19,21 134:9 140:5 152:9 164:23 165:17 195:19 208:14 213:24 222:13 224:25 225:22 239:16 sort 7:6 34:16 42:24 44:8,13 45:7 64:8,19 66:12,21 72:23 73:5,17 77:19 78:7 81:6,10 111:6 118:6,16 129:9,23 140:18 143:14 150:17 159:23,24 169:12 173:24 178:6 182:12 183:11,14 188:23 205:24 209:14 213:16 214:5 225:20
--	--	--	---	--

228:14 235:24 sought 227:25 sound 36:20 sounds 36:7,25 43:4 space 99:18 speak 12:4 34:5 39:14 78:18 88:13 99:2 106:17 107:18 115:22 154:25 155:11,18 156:13 158:19, 22 163:22 202:20 203:3,12 special 17:12 51:16 58:2 59:7 specialist 107:8 212:3 specific 37:18, 21 83:11 84:6 99:8 117:20 127:21 138:8 140:8 142:8,25 143:14 149:20, 21 158:18 173:2 182:11 206:18 specifically 42:13 62:11 128:25 138:4 182:12 186:14 194:4 specifics 138:7 166:16 167:2 speculation 35:18 spelling 112:15 spent 216:16,25 spinal 104:10 114:17,23 115:4 116:4 208:25 210:3 211:22 240:15 Spine 110:7 spoke 68:14 98:18 102:23 103:22,24 105:23 107:22 127:6 132:23 155:16 168:4	199:24 217:16 240:19 spoken 131:7 spooked 150:9 spots 54:5 spring 49:18 59:5 183:2,19 184:25 194:2 st 52:18 193:18, 19 staff 61:6 147:10,16 163:23 164:12 staircase 124:2 stamped 110:8 151:17 stand 103:16 104:17 125:18, 19 standard 41:5 220:12,17,22 standards 191:23 standing 127:3 start 7:16 45:10 47:22 48:19 53:15,23 85:4 102:14 104:3 105:13,16 106:11 107:3,6, 13,17 122:7 151:18 started 20:3 21:11,18 23:12, 14 24:6 25:13, 17 50:10 51:8 52:2 53:8 54:10 63:19 94:15 96:5 103:3 123:4,6,17,18 135:5 161:24 174:12,18 179:14,24 183:5 190:14 194:2 215:7 230:7 239:25 starting 24:5 49:18 75:4 103:15 113:16 156:11 184:2	starts 48:10 151:16 165:8 state 6:3,7,9 17:7,15 43:8 220:15 233:11 stated 167:25 238:24 statement 86:21 statements 218:17 219:2 225:24 status 22:13,17, 20 48:23 49:15 51:12 56:14 57:16 58:3 81:23 82:11 188:15 190:17 191:3 198:18 199:5 stay 124:17 125:20 127:24 210:24 stayed 24:20 staying 215:20 stenosis 104:10 114:17,24 116:4 208:25 211:22 240:15 step 191:8 199:23,24 Steve 224:7,16 stick 41:22 sticking 215:19 still 28:21 32:16 33:10 34:4 36:25 57:25 58:5 98:5 182:7 186:10 189:13 190:6,24 198:5, 7 199:8 206:3 213:21 220:3 238:17 stipulate 35:5 stipulated 36:24 stipulating 33:25	stipulation 35:8 36:22 39:22 stood 113:6,13 154:16 stop 92:3 100:18 107:21 118:25 127:13 197:2 211:2 218:24 stopped 178:6 222:18 straight 86:10 strange 210:13 strangely 159:8 strength 113:9 stressful 54:6 stronger 193:21 strongly 192:3 student 66:6,8 67:19 68:13,24 127:15 128:8,9 129:8 130:15 132:14 134:2,5 141:16 150:3 177:18 178:2 182:17 183:17 student's 169:9 students 58:14 59:18 60:24 61:18 62:14 64:22 65:6 100:24 129:10, 24 139:14 172:6 184:10 226:17 stuff 61:11 115:11 123:23 151:11 188:5 191:11 235:14 subject 23:16 25:18,24 47:5 231:22 submission 202:13 submit 37:9,16, 20 40:10 49:2 52:13,25 66:12 127:25 169:12 170:14 197:7,13 202:8,15	submitted 49:21 53:6 111:15 169:22 submitting 77:19 subscribed 241:17 subsequent 95:4 subside 97:23 substance 68:16 78:20 103:8 108:11 109:9 115:18 117:9 131:4,17 136:18 substantive 131:24 such 68:20 86:16 154:15 227:4,15,17 sudden 66:23 126:8 193:25 sued 236:5,16 suffered 115:3 228:14 sufficient 40:3 sum 115:18 summaries 65:12 72:6,23 99:15 102:5 105:5 120:13 140:17 170:7,10 181:14 196:5,8 224:10 summarizing 119:24 summary 79:14 119:22 152:12 160:19 181:6 summative 172:16 summer 82:14, 24,25 84:7 85:2, 7,10 91:17 92:9, 17 96:23 97:10 101:19 102:13 107:10 114:21 132:5 186:9,10
---	---	--	---	---

194:4 216:6 230:6 239:13,19 Sunday 11:15 superintendent 202:2,5,9,15,16 203:3,12 229:17 supervisor 21:22 25:9 45:25 50:4,5 57:12 85:9 155:4 supplies 61:9 support 41:9 146:12 147:5 149:6 163:24 186:7 supportive 240:4 supposed 10:6 53:17 64:15 93:21 101:23 107:6 121:14 160:11 183:2 supposedly 196:20 sure 7:3,4 8:5,7, 20,23 10:24 15:11 18:7 19:16 21:10 27:15 29:15 31:17 34:22 39:4 40:10 44:7 57:20 59:13 72:15,17 73:10 74:18,20 75:3, 21 79:7 83:20 86:23,24 87:3,7, 9 88:6,15,16 89:23 91:12,20 96:14 97:8 100:17 101:8 107:16 109:2 114:18 115:8 116:9,23 117:15 123:13 125:21 126:20 127:9 135:5 148:21 152:25 153:10, 15 165:22 167:4 169:11 179:7 182:10,19 184:6 206:10 213:8 226:2 227:3	238:14 surgeon 210:3 surgery 116:20 210:9,10 216:4 surprise 8:2 surprised 67:12 100:16 suspended 17:24 26:7 suspension 23:17 26:2 sweater 66:23 67:3,12,13 68:19 69:3 72:13,20 switched 183:6 sworn 6:3 Syossett 30:5, 17 210:19 211:4,20 system 23:3 214:15 217:19 218:15,18 219:3 <hr/> T <hr/> table 174:22 tabled 192:11 tailored 170:23 take 7:8,17 8:15, 21 9:11,12 10:6 15:5,9,24 16:16 17:2 18:8 19:16 23:13 27:20,24 36:6 41:25 60:13,22 62:5,7 67:22 69:22 74:22,23,25 80:16,17 104:17,22 106:9 110:5 111:11 119:20 120:9, 12,18,19,22,23 124:4 125:21 135:18 151:14 161:7 163:20 166:21 174:18 178:11,14 187:3,6 188:5 191:8,11,12	195:10 204:5 207:8,11 208:3 211:10 214:18 224:10 229:23 taken 9:8 10:7 16:17 69:24 92:9 121:5 takes 85:19 183:7 220:15 taking 32:17 54:3 81:18 115:13 128:2 138:17 174:12 211:2,9,16 230:18 talk 11:9,14 36:2 87:13 101:6 125:23 126:2 127:4 139:9 159:14 200:19, 20 208:8 talked 45:4 81:19 91:18 101:16 133:6 134:19 talking 7:18 54:7 56:24 81:15 85:17 103:25 126:8 136:12 175:10, 11 190:19 192:14 232:15 tape 102:3 105:2,3 119:15, 20 120:2 140:14 170:4 195:16,24 tape-recorded 120:12 taping 70:9 tattletale 144:16 tax 228:10,11 232:11 taxes 230:14 teacher 55:18 142:21 143:15, 23 144:21 163:22 165:19 178:10,11 179:22 180:5	teachers 22:18 49:5,15 55:16 123:9 team 65:25 tease 212:4 technically 53:17 125:10 191:23 198:11 215:23 telephonic 74:21 185:10 tell 10:10,16,23 18:20 27:23 32:19,25 36:9 87:16 92:2 100:15 116:13 125:3 143:3,7 144:5 161:19 168:16 182:20 188:9 193:17 226:25 telling 11:8 70:24 71:3 119:25 ten 117:4,24 119:8 122:12,24 128:24 129:5 133:8 134:2 141:9 ten-minute 12:10 tends 7:13 tenure 48:11 52:11 55:17 57:25 188:21 189:16,17 190:13 191:8 198:13,14,16, 19,20,21 199:5 terminate 204:5 terminated 54:14 55:21 181:6 191:5,17, 25 192:24 203:22 204:9 215:15 222:16 223:10 236:19 terminating 172:14 termination 12:18 23:19	34:8 63:9 197:11,22 198:4,9 199:2 202:17,18,22 203:8,21 226:21 228:21 229:20 terms 63:5 85:20 95:14 216:16 218:11 testified 6:4 16:12 33:16 45:15 110:12 238:2 239:11 testify 10:14 11:10 12:11,25 13:23 15:18 testifying 9:5 237:23 testimony 7:18 13:6,8,22 14:4, 6,11 15:20 35:2 57:4 61:14 86:22 90:17 96:15 142:24 147:14 221:10 than 8:16 14:7 19:7 21:22,23 24:25 35:9 45:3 49:15 54:3 67:19,24 68:5 77:25 79:12 81:20 82:7 85:24 87:5 93:11,13 94:21, 23 111:7 113:5 115:2,17 117:4, 10,23,24 119:7 122:12,24 127:19 129:4 133:8 134:2,15 137:25 141:9 142:8,25 146:15 149:8 156:8 170:9 188:11 197:13 200:17, 21 201:20 202:4,9,13 211:11,19 215:8 221:21 222:5 224:8 226:10 228:25 236:3,16 237:14 238:15 thank 39:3,8 62:20 126:16
--	---	--	---	---

146:14 161:12	116:2,13 125:24	215:5,15,21	101:6 107:21	214:22 215:25
thanked 121:23	127:2 136:23	216:20 220:23	111:9 112:12,13	216:3,5,6 224:6
that's 8:16,17,	142:18 149:2	223:9 225:5	114:3 115:22	thereafter
18 9:11 10:21	159:13 161:21	229:23 233:17	116:7 117:14,	25:15 164:4
15:14 16:18	162:18 183:8,9,	236:12 237:22	16,25 118:19,23	therefore 30:10
18:19 32:4,13,	10 184:12	238:17 240:11	119:5,10 121:25	72:14 77:13
14 34:17 38:21	190:11,16	therapist 17:5,	122:23,25	227:6
41:19 50:12	191:12 192:14	11,24 21:7,15,	123:14,18,25	these 15:24
56:12 61:25	194:19 195:3	17 22:16 24:22	124:3,8,11,13	35:20 134:16
62:18 68:22	207:2 213:11	25:8 27:9,21	126:3 127:3,13	189:19 194:22
69:9 70:12,19	218:20 219:15	33:17 34:10	128:9 129:8,17,	207:4 221:7
73:7 74:25 77:9	221:23 240:20	45:14 50:7,13,	21 132:12	222:5
80:2,20 84:12,	then 11:20	18,19 53:20	133:7,14 135:2	they 12:20 22:4,
22 86:17,19	13:11,13 15:12	56:19 58:10,12	137:6,11,16,21	24 23:2 24:18
87:11 94:6	16:25 18:8	61:25 62:19	138:10 139:9,13	26:25 30:8 35:2,
100:7,22 115:12	19:20,25 21:13,	69:19,20 72:16,	142:5,6,9,13	3 46:3 47:16
128:7 130:4	14 22:2,15,23	18 82:23 183:16	143:24,25	48:19,20 51:22
132:23 135:9	23:2,4,10,14	189:21,24	145:22 147:9,12	52:24 54:5
142:15 148:21	24:21 25:3,7,15	193:12	148:5,10,19,22,	55:16 56:13
151:25 152:20	26:18,24 27:12	therapists 30:8	24,25 149:3,4,	58:2 61:19
155:3 156:22	28:20 29:10	47:15 49:5	15,20 150:20	62:14 65:3,6
157:4 158:9,10	31:6 35:13,14	52:10 55:15	152:3 153:14,23	67:12 69:22
160:8,25	36:16 37:5 38:3,	60:5 62:14	154:13,18	75:16 76:16
163:17,19,20	14 48:19 49:20,	83:15 138:11	155:2,6 156:2,	79:22 82:25
164:18 177:25	25 50:15 52:15	149:11 183:15	16 158:14,20	83:6,10,11 84:8,
180:22 182:20	68:14,15 69:3,	190:13 209:15	159:16 161:4	13 85:15 87:8
193:3 196:16	25 75:13,14	213:13	162:7 166:2	93:15,20 94:6
198:25 204:15	76:15 88:15	therapy 20:22,	167:13 168:22	102:16 104:21
205:22,23	93:21 94:3,4	24 52:24 64:19	176:3 177:18	108:4,22 109:18
207:17 208:11	95:4,11,13	91:9 93:19	179:6,7,8,22	110:19 112:16,
211:10 212:10	96:20 99:12,14	95:12 143:6,17	180:8 182:23	19,22 113:17
215:20 217:24	101:20 103:9	211:23 212:10,	183:13 184:3,4,	115:25 117:15
219:20 220:18	104:9,11,12	20 226:17	16,23 191:22	118:25 125:10,
227:5 232:15,24	105:11,21	there 10:13 14:9	192:10,12,13	15 126:16
235:20,22 240:9	108:22 109:5	16:6,13 19:7	195:7 196:22	129:12 130:5
241:3	111:5 113:14,22	20:2 22:15,16,	197:6 199:19,24	131:8,9 132:18
their 22:5 29:8,9	116:16 118:12	18,19 23:4,6,15	201:3,7 205:5	133:12 135:6,7
30:8,9 41:3,4	120:9 123:18	24:15 25:15,16	206:8 214:20,21	136:13,20
46:8 55:19	124:16,21	26:2,12,14 28:2	218:7 219:16	137:5,7,14
58:22 123:23	131:18 132:23	30:3,14 34:15	223:19 226:7,9	139:3,4,5,16
132:18 162:10	134:11 138:16	38:23 43:4,12,	229:14,16	142:4,16,17
180:12 182:5	142:9 150:20,22	15,22 44:11	233:23 236:7,11	145:14 146:16
200:10 220:16	151:10 153:2	47:8,12 48:7	there's 10:18	150:23 151:5
223:13	154:6,19	49:3 50:4,6,8,11	13:19 17:12	154:3,6,12
Thelma 111:20	155:16,17,18	51:7,20 52:20	36:11 40:21	158:19 161:4,18
them 6:16 12:21	156:25 163:18	53:14 59:13,14,	56:21 70:17	163:15 164:13,
15:7,8,9,25	169:17 170:18	19 60:17,18	83:14,22 89:9,	21 166:13
24:19 27:6 29:8	173:9 174:22	61:6,12,23	19 123:22,25	172:14 178:20,
33:20 35:14	175:5 176:20	62:16 63:4	125:12,13	23,25 181:6
37:9 55:2,6	178:7,11 179:8	64:17,20 65:18	142:10 145:15	182:24 184:4,
75:17 76:2,17,	180:7,9 181:17	67:20 69:11	148:11,19 149:5	14,15,24 186:21
22,24 85:15	183:23 184:2	71:15 73:11	152:3 153:3	188:2,5 190:12,
89:6 99:13	193:14 195:7,13	78:3 83:11,15,	157:13 160:14,	14 192:5,8,11,
103:14 107:9	199:21,23 206:4	16 89:5 92:3	16 167:24	15,16 193:3,7,8,
109:12 112:14	208:3,6 211:2	93:23,25 97:7	184:21 196:17,	14 194:4,10
	213:6 214:15,	99:21,23 100:18	19 197:15	198:11,12,23
	18,19,20,25		204:24 205:8	

199:22,25 200:2 201:10,15 204:2,4 206:21 207:25 209:24 210:17,25 215:13 217:10 219:12 223:5,6, 12 they're 22:25 60:23 61:18 68:23 83:22 125:9,10 145:6 192:15 230:18 thing 7:7 8:19 60:6,21 68:20 69:16,21 73:9 99:4 200:3 234:25 things 22:4 51:21 57:5 65:7 70:10 75:15 85:5 89:5,23 95:17 114:5 123:12 144:25 151:8,10 156:16 167:20 206:20 209:9,10 210:16 224:25 232:19 think 7:25 13:9 14:5,22 18:6 19:17,19 20:8 29:10,21 30:5 35:18,24 36:24 37:3 42:7 45:22 46:21 51:6 55:3, 16 56:10 58:20, 23 59:11,20 60:23 61:6,13, 15 62:3,10 70:15,25 72:5 74:6,10 76:23 83:7,17 84:20, 23 86:14,22 89:19 90:18,22 91:22,23 92:7, 23 93:14 96:15, 18 100:13 105:18 107:5 109:12 111:23 112:16,19 120:8 122:16 125:5, 17,19 128:16,24 129:19 130:4 132:3 137:4 138:13,14 142:5 144:22 146:23	150:20 151:2 152:11,17 158:23 162:3 171:23 172:4,8, 9 175:21 178:11,12 180:7 185:23 187:19, 20 188:17 189:9 190:6 192:20 203:23 211:25 212:3,10 213:3, 5 216:11 218:21 219:21 221:2,5 223:11,13 224:8 229:5,16 235:12 236:11 238:10, 16,24 239:23 thinking 122:16,20 162:24 179:20 third 40:25 104:12 153:3 199:24 this _____ day 241:18 Thomas 15:22 thoracic 93:16 those 15:16 17:2 29:4 30:15 33:22,25 39:23 40:9,12 50:22 51:2 52:20 57:3 85:5 90:6 91:8, 13 92:22 96:20, 23 123:12 134:5 141:18,25 144:25 167:20 172:12,23 173:5 179:15 181:7 185:8,12 194:16 209:21 212:25 216:10 217:8 219:4 221:15,22 225:25 229:5 231:12 232:19 233:14 though 12:3 72:22 74:24 104:14 111:13 114:2 123:7 138:15,19 167:23 176:9 177:10 181:13 215:22	thought 67:8 69:6 71:9 73:8, 9,20 74:2,3,4,11 86:5 87:4,5 88:3,22 97:24 124:20 127:22 128:7 129:17 130:12 131:9 133:15 154:11 158:9 159:5 171:3,4 179:10 180:4,13 189:13 198:19,21,23 199:20,21 240:6 thread 204:19 205:17 206:7 three 18:7 26:23,24 48:17, 19,25 49:8,9,24 52:12 66:3 83:8 84:24 91:12 92:21 93:20 95:3 97:22 103:13 125:6,20 127:24 172:10 176:21 182:23 three-step 199:18 200:4 threw 67:3 through 17:15 33:18 42:23 45:6 76:22 89:4 101:6,16 144:18,20 151:11,17,20 163:2 188:24 193:19 200:8,15 215:7 216:9 219:24 221:21 226:11,18 227:8 236:13 throw 113:15 Thursday 91:24 96:19,25 99:11 tide 174:15 189:12 192:3 till 21:25 51:19 103:15 218:8 time 7:19,21 8:15 9:12 17:22 18:13 19:9 20:3, 12,14 21:7 22:19,25 24:2,4,	6,7 28:4,10,19, 20 29:24 30:3,4 31:8 37:21 38:3, 11 42:14 45:13 47:3 52:15 53:8, 11 54:10,13 55:10 56:21 58:5 65:22,23 72:3 76:16 79:9 81:24 82:2 83:4 85:19 93:10 94:9 95:19,24 96:5,6 102:23, 24 103:22,24 104:7,13,22 106:19 107:18, 25 108:5,12 111:2,5,13 112:8 113:3,11, 23 114:2 115:14,15 121:22 122:2 127:4 128:3,8, 14 134:21,25 136:19 137:13 140:18 142:9 143:20,21 144:8 154:5 158:18,22 162:9 166:2 172:7 174:8 180:17 183:3,7, 12 187:12 191:9 196:19,23 198:2,5,8 201:5 203:7,11 209:22,25 210:13 211:11, 17,24 214:15, 23,24 215:2,10 216:2,5 217:21 218:10,13,15 219:10 222:10 223:3,24 224:2, 22 225:13 227:7,22 235:23 238:24 timeframe 211:5 times 26:14 37:22 48:25 49:8,9 52:12 63:25 102:19 108:4 141:25 143:19 145:10, 11,13,22 216:19,21 238:24	timing 234:4 title 63:2,15 today 7:8 9:9 10:7,11 11:10 12:12,25 14:9 15:18 32:14 37:13 85:25 88:6 153:20 215:24 217:18 226:13 229:18 233:15 237:15, 22 today's 208:4 together 38:12 112:17 180:18 told 10:15 28:15 47:10,14,20 56:9 57:5 62:5 67:24 68:6 69:17 78:5,9,23 82:8 84:14 113:16,19 116:14,21 118:21,25 123:16,22 125:4 127:19 130:24 131:6 142:10 158:7,11 177:8 188:7,16,24 189:5 190:16 191:2,9,10,11, 16,19 193:23 194:10,14 195:5 203:23 204:2 208:18 209:8 219:17,19 236:25 tone 239:24 too 87:14 114:13 120:7 138:18 156:19,24 159:20,21 165:2 235:20 took 22:21 27:13 55:5 67:3 69:18 73:11 75:5 83:17 85:13,14 95:24 121:6 124:6 171:14 178:9 179:16 214:24 222:20 223:20 top 151:21 153:3
---	--	--	---	---

282Index: totally-usual

230:24	trusted 127:12 130:18	108:2 119:24 211:17	9:2 40:2 49:10 52:4,7 55:7,20 161:13 162:10 198:15	unwilling 36:2
totally 61:5 94:22 124:10,17 178:8 179:6	truth 10:11	types 40:22	understood 6:25 75:19 129:6 134:18 207:22	up 21:14 32:4,20 37:11,19 38:24 41:25 44:22,25 47:2 48:15,21 51:23 52:22 58:14 65:15 72:9 85:4 91:21, 22 92:12 95:25 96:2,6,16 98:5 103:16 104:17 105:7 109:14 110:20 113:6,15 115:11 116:15 121:15 124:3, 18,24 125:16 126:15 127:14 128:14 135:10 136:25 140:21 142:11 146:13, 20 148:23 150:2 158:8,24 159:18 164:6 174:21,24 177:9 180:3,14 185:24 189:16 203:17 209:12 210:19 213:22 214:12 221:19 227:18
touch 100:6 159:13 165:7	try 6:21 7:10 38:13 39:15 106:17 132:19, 24 139:23 179:18	typical 59:12 60:15	unemployment 226:23 227:11, 17	
towards 215:2		U	unhappy 190:23	
Tracy 187:18 196:5	trying 8:12 13:18,20 72:22 82:6 113:18 133:23 138:23 162:14 184:18 213:25 220:19 235:3	uh-huh 7:6 28:24 43:19 46:15 105:25 116:22 121:18 140:3 152:2,6 157:18 160:4 167:19 169:18 204:21 207:13 208:12 220:5 221:11 231:19 233:9,13,16 237:25 238:5	unheard 180:13 190:15	
transferable 215:6	Tuesday 38:13 91:24 96:19 97:14 98:12,13, 14	Uh-uh 218:2	union 62:21,23 63:2,11,15 75:14,22 111:25 137:6 188:8 205:20 206:13 214:23 223:5,7, 17 224:6 229:14 238:12,20	
transferred 125:16	Turbert 22:6	ultimately 23:11,12 36:4 105:22 127:3 164:22 196:16 200:3	union's 42:24	
transitions 163:2	turned 67:5	unable 10:14 94:24 100:10 210:20	unless 36:11 139:21	
transversing 118:9	turns 104:9 159:10	unanswered 8:22	unlikely 49:4	
tread 178:15	twice 49:17,20 90:4 108:6	uncomfortable 129:15 174:17	unpredictable 64:23	updated 52:13 153:7 155:19 188:19 189:5 208:19,21
treat 29:8 58:14, 22 93:6 123:17 124:6,8 139:4 163:16 183:7 227:4	two 7:18 11:25 20:18 21:18,25 24:16 26:23 34:13 36:7 50:22 51:2 64:11 66:3 72:25 74:19 85:7 90:6 91:12 93:14 95:18 103:11 111:24 112:12,14 151:10 153:14 172:5 175:2,3 176:3 182:25 183:19 184:24 195:10 210:4 232:18 234:24 235:13 237:14 238:3	under 13:4 62:12 205:5,7 214:8	unquote 210:7	upon 12:18 29:9 38:3 139:25 148:6 149:16 231:2
treated 65:23 124:11 178:19 209:13 210:7	two-hour 27:3 54:3	underlining 6:18 34:7	unsafe 139:22	upright 113:13 124:17 179:14
treating 56:21 123:6,14 163:13 188:4 213:12	tying 180:4	understand 6:20,24 9:9,16, 24 10:9,10 15:21 18:21 53:10 54:11,20 55:11 75:21 78:17 96:14 116:23 144:17 184:18 190:15 192:16 207:20 208:16 212:17 216:22 226:7,8	unsatisfactory 78:8	upstairs 126:2, 3 131:16 150:22
treatment 56:7, 8 71:19 93:4 98:2 124:9,22 150:6 167:15 209:18 211:20 213:15 228:16, 20 240:3	Tylenol 9:11,12 115:16 211:10, 15	understanding	untarnished 35:22	upward 230:8
trial 38:7 43:10 236:9,10	type 50:12 81:22		until 20:3 25:17 34:11 39:20 73:22 85:3 90:16 91:21 96:6 98:8 102:23 107:4,13 117:4 128:14 146:16 158:24 168:15 187:14 191:10 197:22 198:9 201:11 210:25 221:18, 19 232:2 239:12,19,20 240:11	use 8:17 155:2,8 174:10 220:10 235:21
tried 85:16 114:13 137:5 141:22 192:8				used 10:2 34:2 35:9 36:15 39:24 41:7,14 182:2 210:18 239:16
triggered 96:11				using 177:6
trips 234:24 235:13				usual 220:9
trouble 164:24				
true 14:3 58:25 59:4 70:10 168:9,19				

usually 36:10, 16 61:19 85:5 134:15 171:16	113:6 124:7 159:6 174:11 178:17	148:6,25 149:17 150:10,11,25 156:3,17 158:2 159:13 161:21 166:17 171:20 177:3 179:8 180:22,23 183:20 186:2 192:12 193:7,8 197:23 199:24 215:9,11 226:24 234:2 239:19,20 240:11,24	98:6,24 week 74:9 91:21,22 92:7,8 96:3 97:2,7 101:12 102:25 107:15 127:5 130:25 131:6 229:19 weekend 11:18, 21 105:23 131:8 weeks 49:19 79:2 85:7 92:5 95:12,18 103:11 105:17 209:25 210:4 weight 113:11 weird 174:8 177:9 190:18 Weisel 6:15 27:7,12 45:16 47:9 50:5 64:4 77:4 80:15 91:9 111:20 124:25 155:23 168:24 169:8 171:24 173:6,25 175:20 185:14,21 186:15 187:18 239:11 240:16 welcome 39:9 well 12:17 19:6, 13,24 22:14 24:3,12 25:10, 21,23 26:21 29:5 34:7,24 37:5,18 38:4,22 40:15,20 42:24 43:16 45:2 46:8 47:14 48:18 50:5,25 51:6,24 52:14 53:12 58:11,17 59:2, 15 61:5 63:18 66:24 68:18 69:8 72:12 73:7, 22 79:21 83:4 84:8 85:20 86:4, 12,19,24 88:21 90:20,21 91:4, 25 93:25 97:9 98:20 101:20 105:22 106:23 107:21 109:4,21 111:9 113:13	114:5 115:17 116:3 117:16 119:14 120:4,8 122:14 125:22 127:13,22 133:19 139:16 142:11 145:9 146:13,22 149:3 152:15 158:13 160:13 162:3 165:3 167:4 168:12 172:4,8, 22 173:18 174:20 176:19 184:5,12 185:7 186:11 188:10, 11 189:4 190:9 191:13 193:14 195:3,4,18 196:7 197:20 199:7,13,16 200:5 205:17 206:7 207:15,25 208:9,18 209:18,24 216:13 217:3, 21,22 219:7,8 223:19 229:22, 24 230:5,10 232:16 234:2 238:18 went 50:25 51:3 55:24 57:8,15 67:11 69:2 72:12 95:21 101:9 102:22 109:19 112:20 123:24 124:3,4, 23 126:3,12 127:5 128:7 154:9,16,25 155:17 178:8 179:3 192:11 193:3 194:14 199:23 211:23 219:21 224:22 were 14:14 15:22 20:16 21:6,11 22:17, 20,22 23:6,15, 16,23 24:3 25:16,18,24 26:7,12,13,14, 15 27:4,5 28:17, 21 30:15,17,18, 21,23,25 31:7 34:11 35:2					
utilizing 167:17	walking 114:12, 13 118:4,7 154:20	want 8:4 10:23, 24 15:9 19:21 31:13 32:4 38:22 40:15 41:12 48:14 53:2 71:7 75:21 86:12,13 87:13 91:19 92:2 96:14 107:15 113:8 114:14 116:23 121:2 124:14 132:25 133:2 144:17,18 145:14 147:25 152:25 153:10, 15 155:3,6 159:13 162:19 167:4 169:5 199:16 206:7 214:16 223:15 225:7 226:24	watch 206:22 watching 180:8 way 19:10 23:3, 11 34:15 38:2, 17 39:15 67:10 69:25 74:11 89:23,24 105:9 120:6 126:13 161:19 170:4, 22,25 179:6 183:24 184:22 193:11 195:17 197:19 214:16 223:16 228:23 229:24 239:20 240:4 ways 89:24 90:6 216:8 219:16 we'll 8:11 15:24 19:16 38:12 41:25 66:7 70:2 78:24 85:21 127:4 130:10 151:20 157:10 166:20 208:21 214:5 221:16,17 we're 32:2,15 33:10 35:14,24 40:3 41:21 49:14 103:25 120:20 129:18 189:18 232:5,7, 10,13,15 we've 45:3 86:22 weak 114:9 124:17 website 207:23 Wednesday 91:24 96:19	video 206:22 voted 203:20	Wantagh 30:12, 17 wanted 25:23 51:22 53:15,23, 24 68:25 83:7 86:17 96:22 101:20 127:22 128:23 135:7 144:14 148:12 151:3 154:3 164:20 172:5 174:9 199:3,4,5 202:10,16,17 223:6 224:24 wanting 165:7 wasn't 22:19,20 23:11 31:5 36:2 43:3,4 53:14 58:24,25 59:4 61:12 64:14 68:20 69:20 100:17,20,22 104:18 105:22 109:4 117:16 122:19 124:11 132:15,20 133:13,15 137:6 139:22 145:13	video 206:22 voted 203:20	W wages 43:18 44:2 201:15 wait 26:23 32:19 51:19 149:25 156:12 185:11 waking 96:2 walk 99:18,20, 24 100:10 106:6 132:17 143:16 walked 67:13	video 206:22 voted 203:20	W wages 43:18 44:2 201:15 wait 26:23 32:19 51:19 149:25 156:12 185:11 waking 96:2 walk 99:18,20, 24 100:10 106:6 132:17 143:16 walked 67:13

37:23 42:22 44:17 45:9 47:5, 16 48:20 49:7, 22,25 50:22,23 51:11,24 52:15, 18,20 55:6 57:15 58:13 59:15 60:17 61:4,6,15,25 62:20,21 63:10, 11,22 65:19 66:6,21,22 69:22 75:15 76:8,10 77:4 80:5 83:10 85:10 87:8 89:24 90:6 91:8, 9 93:10,15 95:8, 19 96:8,20,23 102:16 104:16 108:4,24 110:12,19 111:9 112:12,16,22 114:16 115:13 117:3 121:6,10 122:3,23,24 123:19 124:8 131:8 132:12,13 133:7,12 136:4, 12 137:11,17 141:8,11,13 142:14 144:10 145:22 146:4, 17,19 148:24,25 150:3 153:14 158:17 161:4 162:10 163:6 166:2 167:10, 14,21 171:22 172:14 176:3 177:18 178:23 179:2 182:23,24 183:2,18 184:3, 4,10,14,16 185:17,25 187:12,22 188:2 191:5 192:23 193:2 194:16 196:11 197:21, 24 198:2,3 200:7 201:21 203:19,21 204:3,4,7,14 206:17,18,25 207:7,20,21 208:16,18,20 209:21,24 210:21 211:4,9,	13,16 216:9,13 219:17,24 223:7,12 224:4 228:21 235:17, 23 236:12 weren't 22:17 95:22 99:5 142:17 143:25 145:24 163:9 164:8 165:11 166:13 190:17 191:3 198:10 what 7:25 9:12 11:8 12:14 19:12 20:13,19 24:8 25:7 29:9, 21 32:6 33:8 35:4 37:5,23 38:16 40:19 42:11 43:24 44:3,17 45:12 46:18,22,23,24 49:10 50:17 52:3,7,9,17 53:13 55:14 58:13,16 60:4 62:19 64:18,25 65:19 66:13 67:24 68:5,16 69:9,23 72:10, 22,25 74:3 78:20 80:3,16 81:14,19 82:4,6, 8,22 83:17,24 84:16 85:17 86:20 87:3,16 88:16,21 90:7, 13 92:12 93:20 94:23,25 98:19 99:11 100:11, 18,22 101:5 102:9 103:8,19 106:4,19 108:11,16 109:3 110:6,13 112:8 113:3 115:17, 20,24 116:10, 13,14,21 117:9 120:6,15 122:25 123:3,15,19 125:4 126:17,21 127:19 128:7,15 130:4,24 131:4, 17 133:4,23 135:2,8,18 136:22 137:14, 16,19,21	138:14,23,24 139:14 141:18 142:12 143:3,21 147:19 149:3 151:15 153:22 154:6,23 155:10,20,25 156:9 157:4,20 158:4,9,10,17, 21 159:10 160:8,19 161:25 163:10,17,19,20 164:15 165:3,6, 11,19 166:22 167:4 169:9,15 170:2 171:12 173:12,13,14 177:25 179:23, 25 180:20 181:17,19 182:6 184:18 187:21 191:7,20 192:10 193:9 194:14 195:3,15 198:22,23 199:16,20,21 200:7 201:9 204:15 206:23 207:9 208:3,20 209:5 211:12 215:16,25 217:24 220:18, 24 222:18 223:4,15 229:6, 8,25 230:2,3,7 231:20 233:24 234:9,23 235:2, 17 239:13,22 what's 72:18 100:6 111:8 177:8 186:4 190:3,15,23 195:9 211:25 220:23 whatever 38:3 62:9 64:12 120:10,19,25 121:4 179:19 199:6 220:16 225:5 232:11 wheelchair 99:22 100:2,21, 24 234:19 when 6:24 9:25 11:14 13:25 15:6,12 18:10	19:10,13 20:23 21:4,11,16,19 22:21 23:11,15 24:12 25:16,17 26:15,25 27:4, 13 28:17 30:6,7, 17 41:25 42:15, 22 45:9 49:18, 22 50:13,23 51:14,23 52:2 53:13 54:22 55:5,23 57:8,15 59:6 60:10 61:3, 15,21,24 63:10 64:5 66:6 71:2 72:17 74:6 75:11,13,22 76:15,21 78:22, 25 79:21 80:5, 18 81:20 82:11 85:9 89:12,15 91:13,22,25 92:24 94:15 103:3 110:12,23 113:13 115:24 119:2 122:16 123:13,17,18 128:4,21 129:17 133:12 135:9,21 138:7 143:15 153:18 154:8,19 155:19 156:11 157:6 159:2,6 160:25 162:2 165:14,21 166:25 169:7,16 180:22 181:6 182:21 187:7 188:3,24,25 189:4 190:18 192:18 193:3 197:10 198:7 203:10 206:17 207:20 208:5, 18,21 209:21 210:10,21,25 211:4,5,13 214:18,21 215:5,6,13 216:3,13 218:10 219:11,12 220:9 223:6,23 224:3, 22 228:20 230:7 233:6 whenever 107:6 188:18	where 19:3 21:2 26:12 29:6 34:19,21 43:2,7 44:12 46:7 49:25 50:13 62:14 67:22 71:18,21 73:2 77:4 85:8 92:13 101:15,23 102:22 113:6 123:16,20 128:9 132:12 133:7,8 141:8,13,21 142:6,16 144:24 148:23 150:2 154:14,17 156:18 161:4 164:7,19 167:24 172:14 176:13 178:23,25 183:16 184:15, 16 185:14,16,17 195:23 202:14 206:8,22 224:5 231:7 240:5 whereas 222:17 whereupon 14:13 29:18 57:22 59:25 110:3 121:5 135:16 204:13 207:6 233:3 241:5 whether 8:17 41:16,17 47:25 48:8 53:2 55:19 81:23 82:11 86:23 104:2 106:7,9 107:22 108:13 110:16 119:10,19 138:20,21 143:24 171:11, 14 177:13 188:14 212:5 214:2 which 22:7 23:3 26:3 29:6 31:7 33:13 34:10 40:19 42:14 46:10 49:18 84:14 93:20 104:7 139:6 146:14 162:17, 18 176:25 180:12 181:4
--	--	---	--	--

183:24 187:3 201:11 206:5 215:2 216:4 224:2 whichever 38:17 while 14:15 20:12,16 28:21 35:21 49:3 52:18 60:17 62:21 71:10 75:8 76:7,11 96:8 141:11 201:21 233:22 235:4,17 who 27:19 31:6 32:25 34:20 39:14 41:4 45:23 47:21 50:12 56:15 57:3 62:12 64:3 65:23,24 80:13 83:11,23 91:8 93:6 98:18 111:17,18,21 112:21 113:19 117:12 119:6 123:19 124:4 130:7 136:25 139:7 142:19,22 143:22,24 144:18 149:3,4 154:4,5,7,8,9 155:13,24 156:6 159:11,15,17 164:20 166:15 168:12 175:15, 23 176:5,7 177:16 187:16, 20 188:7 189:20,24 190:20,22 191:10,19 194:6 196:15 199:19 222:20 223:17 who's 190:20 210:5 229:13 whole 20:3 30:3 60:20 61:6 126:13 174:15 191:22 196:24 214:22 224:23 239:24 whom 39:18 178:25	why 24:13 26:18 27:2,23 66:20 68:23 86:17 94:6 100:15 148:21 154:23 156:12,17,22 163:16 166:16 185:3 193:2 215:3,18,20 223:5 225:9 240:9 willing 223:8 win 195:8 window 67:3 68:19 72:21 winter 54:2 with 6:13 13:10 16:7,10 22:11, 14,25 25:11,14 26:9,15 27:6 28:21 30:16 31:13 32:2 34:18,20 36:9, 19,21 37:6,8,10, 15 38:24 40:25 41:22 42:16 45:10 46:3,24 47:9 50:9,21 54:2,10 55:5 60:16 64:9,21 65:5,16 66:6,14 67:21,25 68:3,9, 24 69:25 72:10 75:13,14 77:5 79:6 81:11,18, 20,22 82:9,10 84:4,6 90:12,18 92:16,21,24 93:6,10 95:22, 25 96:8 97:17 98:4,15,18 100:6,9 101:17 102:13,22 103:22,24 104:11 105:2,9, 12,23 107:7,8 108:2,5,12 109:6 110:21 111:25 112:21 114:17,23 115:4,11,22 118:2 119:8,11 121:7,11,22 123:19 124:13 126:2 127:10,	14,15,20 129:7, 8,21,24 130:15, 23 131:25 133:6 134:7,12 136:11 138:10 142:3 143:4 144:2,20 145:16,19 146:2,4,9,13,20, 25 147:8,9,10, 16 148:4 149:13,22 152:4,13 154:25 155:5,12,18 158:19 159:6,22 160:6 161:9,13 162:25 163:5,22 164:6,8,12,16 165:4,8,14,19, 23 166:7,13,17 171:5,24 173:6, 9,25 174:21 175:19 176:3,25 177:24 178:16 181:20 183:17, 22 184:10,11 185:9,14,21,24 186:4,6,15,18 187:13 188:14, 24 191:16 193:9,12,17,18, 20 195:3,13,23 196:5 201:25 202:5,10 203:10 206:14 207:23 209:16 210:16 211:20 212:2 213:9 215:17,20 216:17,22 217:4 220:9 221:8,16 222:4,5 223:15 224:15 225:13 226:12,14,17 227:23 228:2,9, 21 229:16,20 230:2,12 232:6, 11,14,18 233:12 234:19 237:10, 12 238:11,19 239:5 240:2,3, 19,24 withdraw 91:4 202:11 withdrawn 26:13 43:16 44:9 51:25 58:11 77:24 78:2 89:16 96:4	170:13 176:11 185:7 203:10 216:14 withhold 35:3 within 61:24 223:13 without 11:8 26:9,10 42:19 70:24 71:3 withstanding 36:17 WITNESS 11:15 71:8 121:2 130:8 158:10 200:18 219:5 231:23 240:17 witnesses 41:6 woke 91:22 92:12 96:6,16 209:12 woken 116:15 woman 166:7 174:18 won't 216:4 226:12 wondering 138:15,17 wood 94:7 Woodbury 6:10 224:7 work 8:11 17:10,13 19:13 23:2 28:22 29:25 30:11 31:11 33:16 34:20 36:8,21 38:6,10,11 39:15 44:10 45:5 47:6 51:22 53:19 82:14,17 85:14,21 91:17 96:20,21 97:5, 10,13,15 98:11, 23 99:21,23 100:21 104:3,19 106:21 107:4 111:3 113:18 121:13 122:8 125:2 127:11 155:17 165:21 168:2 175:6	178:21 197:19, 21 199:4 209:3, 8 210:17 218:15 220:9 221:8 222:14 226:11, 18 227:5 230:9 231:3 239:5,12 worked 18:21 19:4 20:2,6 21:4,19 23:3 24:15 29:11,23, 24 30:4,5,12 31:9 39:18 46:24 47:3 48:18 51:7 54:22 55:10 59:12 62:12 64:12 69:3 75:8 76:11 84:23 91:21,24 96:18 112:21 118:9 124:13 147:17 183:16 193:17, 18 228:21 231:17 233:11 235:4 workers' 150:12 working 17:16 19:19 23:24 24:25 25:17 26:15 27:25 28:12,18,21 30:2 31:7 45:5 46:4,23 49:3 52:2,15,18 53:8 66:6,21,22 77:4 95:19 96:8 100:22 150:22 183:22 184:11 194:13 195:7 211:2,13 218:7 221:21 222:5 227:7 231:4 234:19 235:23 works 41:4 237:11 world 70:8 worried 65:8 worry 7:13 64:20 65:4 70:3 78:24 101:3 106:17,21 125:25 127:11,
---	--	---	---	--

12 189:18 191:8 214:4 worse 98:13,14 worthwhile 179:21 would 8:25 9:5, 9 10:13,18 14:8 30:3 35:7,19 36:15 37:7 38:10,11,16 39:17 41:5,16, 20 48:8,19,21 49:17,19,20,21 52:12,16 53:3, 16 54:4 62:11 64:18 67:2 70:16,20 71:13 75:12 77:5,8,10, 12,15,16 78:16, 22,23 80:9 81:24 82:12 84:10 92:5 94:14 96:25 97:2,23,24 98:6, 9,10 99:4,6 106:7,11,20 108:4,14,17,22 112:9 113:14, 15,17 115:21,23 117:15 119:6,11 122:11,14 127:9 128:20 133:10, 11,21 134:5,10 136:18,22 137:21 139:4,14 147:16 149:17 158:5 160:5 163:10,14 173:12,13 175:6 176:15 179:7 181:25 183:21 184:9 188:14 198:13,15 199:25 204:9 207:25 215:11 218:7,11,24 222:20 229:25 230:11,16 236:25 wouldn't 41:14 54:5 76:11 117:11,12,15 139:13 151:6 158:5 161:25 163:11 170:21 177:4 197:17	223:9 wow 16:5 write 52:22 59:3 71:8 135:10 153:18 161:12 write-up 73:6, 17 77:3 88:7,19 172:11 writes 171:16 writing 40:10 44:22 45:2 66:13 105:7 120:16 151:2 172:15 175:10 181:22 202:8,16 227:18 written 42:17 44:16,21 72:24 73:6,17 77:3,11, 20 86:2 88:7,18 89:12 91:15 170:9 172:11,24 196:22 197:7,14 224:15 231:9 235:6 wrong 69:21 97:7 166:5 189:22 212:2,9 wrote 12:20 122:16 128:22, 24 130:5 146:14 156:22 162:9 170:18 173:19 X xeroxing 76:21 Y yank 132:18 yanking 139:21 yeah 14:5 15:5 19:19 20:8 22:14 34:6 41:19 42:13,24, 25 43:14 47:14 48:3,10 51:8 52:21 62:18 69:16 80:20 82:3,25 83:22	87:11 90:20 95:11 98:3,17 99:12,25 109:21 111:9 114:5,19 116:4 117:19 120:21 121:12, 14 125:4 129:4 130:4 134:8,13 152:11 153:15 158:10 159:5 162:8,15 163:7 164:17 166:11 167:22 169:5 175:21 177:23, 25 182:19 188:16 190:6 193:3 195:5 199:6 203:16 204:15 205:10 209:24,25 217:10 218:8,19 235:15 241:3 year 12:16 16:17 49:10 51:4,9 57:10 61:6 63:17,18,19,23 64:11 78:14 79:6,10,14 80:24 81:5,9,14, 25 82:7,15 85:3, 4 86:3 91:6,11, 14 99:15 102:14 103:4 104:4 105:13 106:12, 25 107:4,13,18 112:24 132:6 144:24 165:24 171:21,22 173:22 185:6 187:13 201:11 216:20 230:11, 14,16 231:16 years 9:25 16:5 18:7 19:19 21:6, 18,25 23:16 24:15,16 66:3,4 74:19 93:2 94:8, 19,21 115:3 179:5 190:11 195:10 218:6, 11,14 230:25 231:2 236:6,8 years' 193:12 217:18 yelled 126:11	yelling 126:13 yes 10:12,21 11:13,23 12:13 13:5 15:19,23 17:3,6,9 18:13, 23 19:2 21:8 23:25 25:6 27:21 28:25 29:2,20 30:24 32:22,23 42:10, 25 43:20,21 44:2 45:17,20 46:16,17 49:24 50:25 51:5,13 53:5,7,20 54:16, 17 56:4 57:7,11 58:7,9 62:22 63:7,12,24 64:20 67:12 68:11 69:10 70:6,21,22 71:11,13,23 73:9,15,20 75:10,24 77:13, 14,18 78:19 79:15,18,23 80:8,12,22,25 82:16,18,21 83:3 84:3,25 88:11,20 90:6, 25 91:7 92:20 94:13,18,20 95:24 96:17 97:4 101:18 102:2,15 103:19 104:21,24 106:2,3,16 108:3 109:2 110:10,14,22,25 111:12,16,19 114:22 116:12 117:8 121:19,20 122:9 130:20,25 131:12,14 132:15 133:10 134:9,10 135:14,25 136:5,14,17 140:4,5 141:6, 15,17 143:19 146:6,8 147:18, 21 150:5 152:7, 8,11,21,23,24 153:6,12 154:21 157:9,16,23 160:17,22 161:15 162:12,	14,23 163:3,8 164:2,14 165:15 166:24 167:8, 12,16,19 168:3, 6,8,18,25 169:14,20,24 171:6,12 172:2 173:11,23 174:3 175:4,7 177:20 180:17 181:12 184:20 187:10 192:25 193:7,20 197:8,12,16,18, 25 198:17 200:11,13 201:6,8,10 202:3 203:7 204:6,10,21,23 205:2,4 207:13, 19 208:13,14,24 209:4 211:23 213:17 214:17 220:2,6,7,25 221:12,13,24 223:22 225:21 229:12 230:18 231:10,13 233:16,20 236:15 237:18, 25 238:5 yet 47:19 78:5 111:3 142:17 206:14 215:16 238:13 York 6:4,10 17:7,15 19:4,14 20:2,6 21:4,19 22:14 24:14 25:4,19 26:19, 23 28:12,19,21 29:24 42:5,9 44:24 46:22 47:3 48:4,14 53:16,18,20 54:23 63:10 85:18 214:14 215:8 236:4 237:6 you'd 32:11 you'll 217:3,5 you're 8:5 10:18 14:15 15:12 19:12 22:23 30:7 31:3,4 35:12,13 37:12
---	--	---	--	--

39:9 42:11	104:23 105:12	Zwanger-pesiri	
48:25 49:3	108:25 109:6	212:13	
50:13,14 53:17	111:5 113:3		
56:20 58:16	115:14 116:8,21		
60:6 72:17,19	117:2 119:6,7,8		
75:22 77:7	122:2 128:3,11		
80:18 86:15	131:17,25		
90:5 96:12	132:25 133:2		
99:20 100:4	135:13 136:10		
105:20 120:4,5,	137:12,17		
6 157:6 165:7,	142:24 146:3,		
10 166:25	11,19 147:10,		
167:19 178:12	11,14,19 150:3		
186:10 187:7	152:23 153:8		
191:16 193:5	157:6 158:17		
195:6 196:17	160:6 161:13,25		
200:21 215:24	162:13 168:2		
216:7 219:22	170:2,9 181:11		
220:14 227:7	182:7,21 183:13		
231:4 233:6	184:9,10,22		
you've 6:18	185:7 186:16		
31:11 45:6	193:15 194:16,		
67:24 68:6 86:9	17 195:15		
135:21 208:16	197:11 198:4,9,		
212:17 226:10	15 201:3		
231:24 232:12	202:13,17,18,		
young 139:7	21,25 203:4,7,		
your 6:7,9,17	11,12,20,25		
7:22 9:9,15,19	205:24 206:13,		
10:24 11:12	14 207:17		
14:3 15:20 16:2,	208:11,25		
12,14,20,23	209:3,16 211:21		
17:21,23 18:8	213:9 216:23		
20:16,19,23	217:4,16 219:24		
23:2,24 24:24	221:9 222:4,10,		
25:7,22 28:18	13 224:19		
29:13 37:6 39:4	225:13 226:11,		
40:20 41:9,10,	14,21 227:22		
18 43:7,18 45:9,	228:2,17,22		
12 49:2,10	229:15,19,20,		
51:19 52:3,5,7,	22,23 230:11		
13 57:4,12,19	231:8,14,15		
58:13,18 59:16	233:5,7,10,18		
60:15 61:3,14,	235:16 236:3		
24 63:6 65:19	237:19 238:21		
67:25 71:5	239:12 240:13,		
74:13 75:7,8,22,	14,19,21		
25 76:6,12,17	yourself 7:10		
77:17 80:3,11	133:7 234:13		
81:11,23 82:8,	235:4,9,18		
11 86:2 87:18	Yup 116:24		
88:8,14 89:13	135:23		
90:17 92:16,22,			
25 93:24 95:23	Z		
96:8,15 97:18			
102:9,22 103:8	zero 126:15		